



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, AUGUST 17, 2023 - 6:00 PM

AGENDA

1. **CALL TO ORDER** August 17, 2023, at 6:00 PM

2. **CALL OF ROLL**

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

6. **CONSENT AGENDA**

6.1. Consider approval of the following minutes:

- a. August 3, 2023 Budget Workshop Meeting
- b. August 3, 2023 Regular City Council Meeting.

6.2. Approval of the July 2023 Revenue and Expenditure Report for the City of Wimberley. (*Tim Patek, City Administrator*)

7. **PRESENTATION AND POSSIBLE ACTION**

7.1. Receive an update from the General Manager of Wimberley Water Supply Corporation including, but not limited to, water conservation and current drought restrictions. (*Tim Patek, City Administrator*)

7.2. Presentation from Wimberley Valley Arts and Cultural Alliance (WVACA) regarding a mural on the silo at the Oak Drive Welcome Center. (*Leanne Kirby, Tourism Director*)

8. PUBLIC HEARINGS AND POSSIBLE ACTION

- 8.1. Hold a Public Hearing and consider action on Ordinance 2023-18, amending Chapter 9, Section 9.02 Subdivision Control, providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting. *(Nathan Glaiser, Planning & Public Works Director)*
- 8.2. Hold a public hearing and consider action on Ordinance 2023-19, an application, submitted by Ronald & Julie Bauer, for a Conditional Use Permit (CUP-23-008) to allow for the operation of a Vacation Rental (STR2) on a property located at 270 Sierra Loma, Wimberley, TX. *(Nathan Glaiser, Director of Planning & Public Works)*
- 8.3. Hold a public hearing and consider action on Ordinance 2023-20, an application, submitted by Willis Rothelle, for a zoning amendment (ZA-23-003), to change the zoning for a property located at 14000 Ranch Road 12, Wimberley, TX, from Commercial Low Impact (C-1) to Commercial High Impact (C-3). *(Nathan Glaiser, Director of Planning & Public Works)*
- 8.4. Hold a public hearing and consider action on Ordinance 2023-21, an application, submitted by Huband Ranch Services LLC, for a Conditional Use Permit (CUP-23-009) to allow for the following uses at 151 Las Flores, Wimberley, Texas: Administrative and Professional Offices, Repair Services: Consumer, and Retail Sales and Services: Limited. *(Nathan Glaiser, Director of Planning & Public Works)*
- 8.5. Hold a public hearing and consider action on Ordinance 2023-22, an application, submitted by Jody Doss, for a Conditional Use Permit (CUP-23-011) to allow for the operation of a Vacation Rental (STR2) at 13300 Ranch Road 12 Wimberley, Texas. *(Nathan Glaiser, Director of Planning & Public Works)*
- 8.6. Hold a public hearing and consider action on Ordinance 2023-23, an application, submitted by Tyler Brewer, for a Conditional Use Permit (CUP-23-012) to allow for the operation of a Vacation Rental (STR2) on a property located at 13201 Ranch Road 12, Wimberley, Hays County, Texas. *(Nathan Glaiser, Director of Planning & Public Works)*
- 8.7. Hold a Public Hearing and consider action on Ordinance 2023-24, amending Chapter 9, Section 9.02.008, definitions and interpretations of the Wimberley City Code; providing for findings of fact, savings, severability, repealer, and effective date, and proper notice and meeting. *(Nathan Glaiser, Director of Planning and Public Works)*

9. DISCUSSION AND POSSIBLE ACTION

- 9.1. Discuss and consider possible action regarding a professional services agreement with ATS for Fire Inspections and Plan Review Services. *(Nathan Glaiser, Director of Planning & Public Works)*
- 9.2. Discuss and consider action regarding a professional services agreement with Granicus for Hotel Occupancy Tax Collections. *(Leanne Kirby, Tourism Director)*
- 9.3. Discuss and consider possible action to authorize a request for proposal (RFP) for the Welcome Center located at 280 Old Kyle Road. *(Leanne Kirby, Tourism Director)*
- 9.4. Discuss and consider possible action to authorize a request for proposal (RFP) for a temporary Public Relations & Community Liaison Services position to assist with services related, but not limited to, the Solar Eclipse events in Wimberley. *(Tim Patek, City Administrator)*
- 9.5. Discuss and consider possible action on a naming gift agreement for the Cypress Creek Preserve. *(Richard Shaver, Director of Parks)*

- 9.6. Discuss and consider possible action on a naming gift agreement for a drinking/water station at Martha Knies Park. (*Richard Shaver, Director of Parks*)
- 9.7. Hold a discussion related to a memorial in honor of Marilee Wood at the Blue Hole Regional Park, as proposed by the Friends of Wimberley Parks. (*Richard Shaver, Director of Parks*)
- 9.8. Hold a discussion regarding the preliminary Fiscal Year 2023-2024 Budget and Proposed Fee Schedule. (*Tim Patek, City Administrator*)

10. **CITY COUNCIL REPORTS**

- 10.1. Announcements
- 10.2. Future Agenda Items

11. **ADJOURNMENT**

EXECUTIVE SESSION NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Friday, August 11, 2023, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Tammy Heller, City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Tammy Heller at (512) 648-2403 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM:	1. Consider approval of the following minutes: a. August 3, 2023 Budget Workshop Meeting b. August 3, 2023 Regular City Council Meeting.
SUBMITTED BY:	Tammy Heller
DATE SUBMITTED:	07/31/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

Motion

FINANCIAL

N/A

STAFF RECOMMENDATION

Consider minutes as presented, or amend if necessary.

ATTACHMENT/S

1. 08.03.2023 Budget Workshop Minutes
2. 08.03.2023 Regular Meeting Minutes



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

SPECIAL CITY COUNCIL MEETING
BUDGET WORKSHOP
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, AUGUST 3, 2023 - 4:00 PM

MINUTES

1. **CALL TO ORDER** August 3, 2023, at 4:00 PM

Mayor Pro Tem Rebecca Minnick called the Budget Workshop Meeting to order at 4:00 p.m.

2. **CALL OF ROLL**

Council Members Present:

Rebecca Minnick, Mayor Pro Tem
Teresa Shell, Place 2
Chris Sheffiled, Place 3
Jim Chiles, Place 4

Council Members Absent:

Gina Fulkerson, Mayor
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Planning & Public Works Director
Richard Shaver, Parks Director
Leanne Kirby, Tourism Director

3. **BUDGET WORKSHOP**

- 3.1. Receive a staff update and hold discussion regarding the preliminary Fiscal Year 2023-2024 Budget and proposed Fee Schedule.

Tim Patek, City Administrator, presented the second draft of the Fiscal Year (FY) 2023-2024 Budget. All year-to-date totals are as of July 27, 2023. Salaries are no longer individual line items but are now lumped together as one part-time and one full-time line item in each fund. He also presented an organizational chart for the City that outlines the number of employees for the City. Council held discussions on the collection of franchise fees, the use of surplus funds, road maintenance, HOT line items, and grant matching funds.

Upon completion of discussion on the budget, Mr. Patek presented a comprehensive proposed fee schedule for the City. He stated, once approved, these will be codified into one comprehensive schedule. The fees will be brought to council for review and approval during each budget cycle. Discussion was held, but not limited to, planning, wastewater, and parking in-lieu-of fees.

4. **ADJOURNMENT**

There being no objection, Mayor Pro Tem Minnick adjourned the Budget Workshop Meeting at 4:27 p.m.

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor





City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, AUGUST 3, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER** August 3, 2023, at 6:00 PM

Mayor Pro Tem Rebecca Minnick called the Regular Meeting to order at 6:00 p.m.

2. **CALL OF ROLL**

Council Members Present:

Rebecca Minnick, Mayor Pro Tem
Teresa Shell, Place 2
Chris Sheffield, Place 3
Jim Chiles, Place 4

Council Members Absent:

Gina Fulkerson, Mayor
David Cohen, Place 5

Staff Members Present:

Tim Patek, City Administrator
Tammy Heller, City Secretary
Nathan Glaiser, Planning & Public Works Director
Richard Shaver, Parks Director
Leanne Kirby, Tourism Director
Charlie Zech, City Attorney

3. **INVOCATION** Susan Rang, United Methodist Church

4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

Mayor Pro Tem Minnick led the pledges of allegiance.

5. **CITIZENS COMMUNICATIONS**

The City Council welcomes comments from citizens at regular meetings. Citizens wishing to speak must sign up prior to the meeting being called to order. We abide by the Texas Open Meetings Act, so council members are allowed only to speak about items posted on the agenda. All other inquiries will be forwarded to staff and may be placed on a future agenda for discussion. Speakers will have one opportunity to speak during the time period, and they must observe the three-minute time limit. After you state your name, staff will start the timer and you have 3 minutes to speak. We will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.

Brian Donovan, resident of Little Ranches Road, expressed concerns about water, specifically the well on his property. He stated his well went dry in June and they were able to get water delivered. However, due to current drought conditions, it has been difficult to receive any deliveries. He is concerned he will run out of water.

Nayeli King, expressed concern about water conditions and inquired about a water security or comprehensive plan in Wimberley Valley. She expressed concern about the lack of city oversight on water companies. She inquired about getting on an agenda and she would like to get a water awareness video for our residents.

6. CONSENT AGENDA

A motion was made by Council Member Sheffield, seconded by Council Member Chiles to approve the consent agenda. The motion carried unanimously (4-0).

- 6.1.** Consider approval of the following meeting minutes:
- a. July 20, 2023 Budget Workshop Meeting
 - b. July 20, 2023 Regular City Council Meeting

- 6.2.** Consider approval of the 2023/2024 holiday schedule.

7. DISCUSSION AND POSSIBLE ACTION

- 7.1.** Discuss and consider possible action regarding a request, from the Knights of Columbus Wimberley Council 9151, to permit a temporary structure located at 14711 Ranch Road 12, Wimberley, Texas. (*Nathan Glaiser, Director of Planning and Public Works*)

Nathan Glaiser, Director of Planning and Public Works, stated this is an annual request for the erection of a tent for the Hunter's Night Out Event. Gary Barchfield, representing the Knights of Columbus, expressed his appreciation to the Council for their work and dedication to the community. He asked the council for their support of this temporary structure for the event scheduled for October 21, 2023. He stated this year would mark the 20th anniversary of the event. The money raised is returned to the community through charities, churches, student scholarships, and Knights of Columbus projects. Over \$90,000 was given to 20 charities in 2022.

A motion was made by Council Member Sheffield, seconded by Council Member Shell, to approve the temporary structure permit at 14711 Ranch Road 12 as presented. The motion carried unanimously (4-0).

- 7.2.** Discuss and consider possible action regarding a request, from Tim Busby, for a Temporary Structure Permit to operate a mobile airstream cigar lounge at 13619 Ranch Road 12 Wimberley, Texas 78676. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, stated this is a request for a temporary structure, a mobile cigar lounge, located in the Ranch Brand parking lot at 13619 Ranch Road 12. Tim Busby, applicant, stated he has worked with the owners of Ranch Brand and they are in full support. Mr. Busby stated premium cigars would be sold and there would be a designated area for patrons and there would be no removal of parking lots with this structure. Upon completion of discussion, a motion was made by Council Member Shell, seconded by Mayor Pro Tem Minnick to approve the temporary structure permit at 13619 Ranch Road 12, as presented. The motion carried unanimously (4-0).

- 7.3.** Discuss and consider possible action to authorize a Request for Proposal (RFP) for the Blue Hole Regional Park Hike and Bike Improvement project. (*Richard Shaver, Parks Director*)

Council Member Chris Sheffield recused himself from this item.

Richard Shaver, Director of Parks, is requesting approval for staff to initiate the Request For Proposal (RFP) process for the Blue Hole Regional Park Hike and Bike Improvement Project. The City of Wimberley has

entered into a contract with Texas Parks and Wildlife through their Recreational Trails Grant program and has been awarded a recreational Trails Grant in the amount of \$273,900 for the Blue Hole Regional Hike and Bike Improvement project. This is a reimbursement grant for 80% of the total cost of the project. The total initial cost will be covered by the Blue Hole Unobligated Fund Balance and the park would be responsible for the remaining 20% after the reimbursement, an estimated \$68,500. When a bid has been awarded, staff will present the top bid along with a budget amendment for Council approval.

Upon completion of discussion, a motion was made by Council Member Chiles, seconded by Council Member Shell to authorize the request for an RFP for the Blue Hole Regional Park Hike and Bike Improvement Project as presented. The motion carried (3-0).

- 7.4.** Discuss and consider possible action designating a bank depository for the City of Wimberley and authorizing the City Administrator to execute the Bank Depository Agreement. *(Tim Patek, City Administrator)*

Tim Patek, City Administrator, stated an RFP went out to banks that could provide depository services for the City's bank accounts. The City received four applications, and after reviewing all proposals, staff is proposing the selection of Texas Regional Bank as they provide the best rate for interest-bearing accounts of 3% and they also offer a \$4,000 allowance for supplies, per contract term.

Upon completion of discussion, a motion was made by Mayor Pro Tem Minnick, seconded by Council Member Sheffield to approve the selection of Texas Regional Bank as the bank depository for the City of Wimberley, as presented. The motion carried unanimously (4-0).

- 7.5.** Discuss and consider cancelling the October 5, 2023 Regular City Council Meeting due to the Texas Municipal League Conference. *(Tammy Heller, City Secretary)*

Tammy Heller, City Secretary, stated some staff and council members will be in attendance for the Texas Municipal League Conference between October 4-6, 2023. A motion was made by Council Member Chiles, seconded by Mayor Pro Tem Minnick to cancel the October 5, 2023 regular city council meeting. The motion carried unanimously (4-0).

8. CITY COUNCIL REPORTS

8.1. Announcements

Richard Shaver, stated the Ribbon Cutting for the Blue Hole Playground will be held at 10:00AM, Saturday, August 5, 2023.

Tim Patek, City Administrator, reported on the following:

1. Old Kyle Road Trails project meeting
2. Eclipse Meeting
3. Texas Historical Commission Public Hearing

8.2. Future Agenda Items

9. ADJOURNMENT

A motion was made by Council Member Chiles, seconded by Mayor Pro Tem Minnick to adjourn the regular meeting at 6:31 p.m. The motion carried unanimously (4-0)

RECORDED BY:

Tammy Heller, City Secretary

APPROVED BY:

Gina V. Fulkerson, Mayor





AGENDA ITEM:	2. Approval of the July 2023 Revenue and Expenditure Report for the City of Wimberley. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	Tim Patek
DATE SUBMITTED:	07/31/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

July 2023 Revenue and Expenditure Report

REQUESTED ACTION

Motion

FINANCIAL

The Revenue and Expense Report for July 2023 is attached for review.

STAFF RECOMMENDATION

ATTACHMENT/S

None



AGENDA ITEM:	2. Presentation from Wimberley Valley Arts and Cultural Alliance (WVACA) regarding a mural on the silo at the Oak Drive Welcome Center. <i>(Leanne Kirby, Tourism Director)</i>
SUBMITTED BY:	
DATE SUBMITTED:	07/19/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Oak Park Silo Report to City

Oak Park & Welcome Center Silo Mural Proposal

Report produced by:
Wimberley Valley Arts & Cultural Alliance (WVACA)
Public Arts Committee

1 August 2023



Oak Park & Welcome Center Silo



1. Height of main part of the silo wall (top to bottom): 7 ft - 8 inches
2. Dimension all the way around: 35 ft.
Total = 268.50 sq. ft.
3. Dimensions of the top sections (roof):
4 ft. from apex down to main wall of silo; Sections 3 ft. wide at top of wall
Total = 36 sq. ft.
4. Distance from the back building wall to the silo: 22 inches
5. **Total Surface area to be painted = 304.50 sq. ft.**

Estimated costs for mural project

1. Compensation recommendation for the artist for design and application of the artwork to the silo.

Selected artist to be paid \$1500 for design.

Compensation for painting mural (total wall + roof area) : \$3,068

2. Installation of a **bronzed plaque** with mural name, recognizing artist, the City of Wimberley, WVACA and/or other major contributors.

Cost of plaque: estimated: \$500



3. Estimated costs including paint, materials and incidentals for completion of the mural. **Cost: estimated \$500**

Total Cost of proposed Oak Park & Welcome Center silo mural: \$5,568

Responsibilities

WAVCA's responsibilities:

- Preparation and distribution of 'Call for Artists'
- Fielding artist's design submissions
- Preliminary vetting and evaluating designs
- Selecting top three designs to be presented for City's final selection
- Consultation with City's identified 'point of contact' as needed
- Promotion of the project

City of Wimberley's responsibilities:

- Arranging all funding for completion of the project
- Preparation of contract between selected artist and City
- Choice of final design to be implemented
- Oversight of the project to completion
- Consultation between WVACA 'Public Art' committee and City's 'point of contact' as needed
- Promotion of the project

Design Inspiration and Vision

Artists should propose creative ideas that reflect the culture and the natural environment of Wimberley and consider the attractions of the City such as:

- Dedicated Parklands
- Blue Hole Park & Swimming Hole
- Hike & Bike Trails
- Patsy Glenn Bird Sanctuary
- Blanco River & Cypress Creek
- Native Flora and Fauna

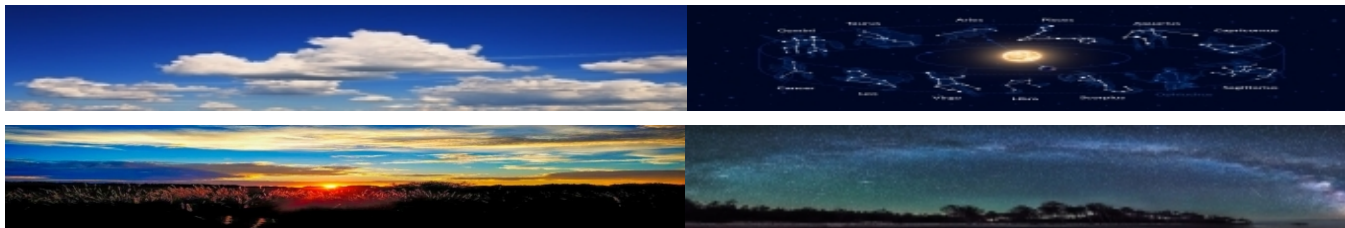
and Wimberley's official designations:

'Texas Cultural District' (Texas Commission on the Arts - 2015)

'Dark Sky Community' (International Dark-Sky Association – 2018)

'Film Friendly Community' (Texas Film Commission – 2019)

'Music Friendly Community' (Texas Music Office – 2022)





AGENDA ITEM:	1. Hold a Public Hearing and consider action on Ordinance 2023-18, amending Chapter 9, Section 9.02 Subdivision Control, providing for findings of fact, savings, severability, repealer, an effective date, and proper notice and meeting. <i>(Nathan Glaiser, Planning & Public Works Director)</i>
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	07/31/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

A presentation was provided by staff at the May 4, 2023 City Council Meeting and on June 15, 2023 a public hearing was held. Bryce Cox, of DNRB&Z Law, presented this item and answered questions and provided additional information at both the May 4th and June 15th meetings. Mr. Cox discussed recent legislation.

The subdivision ordinance amendment that was presented at the May 4 and June 15 City Council meetings is attached for your review.

REQUESTED ACTION

Discussion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Ord. 2023-18 Subdivision Ord Amendment (with Exhibit)

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 9, PLANNING AND DEVELOPMENT, ARTICLE 9.02 SUBDIVISION CONTROL, RELATED TO REVISING THE SUBDIVISION PROCEDURES, REVISING PARKLAND DEDICATION AND IMPROVEMENT REQUIREMENTS, AND OTHER MATTERS IN CONNECTION THEREWITH; ADDING ARTICLE 9.06 RELATED TO VESTED RIGHTS AND OTHER MATTERS IN CONNECTION THEREWITH; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley ("City") is a Texas General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City is empowered by Chapter 212 of the Texas Local Government Code to establish subdivision regulations within the incorporated limits of the City and within the City's Extraterritorial Jurisdiction; and

WHEREAS, the City has given appropriate and reasonable consideration to the amendments to the subdivision regulations contained herein and found them to be the most appropriate for the City; and

WHEREAS, the City Council of the City finds that the amendments to the subdivision regulations as depicted in this Ordinance are compliant with the requisites of state law, including Texas Local Government Code; and

WHEREAS, the City Council finds that the amendments to the subdivision regulations depicted in this Ordinance are necessary for the orderly development of this community and represent the best interest of all citizens of the City of Wimberley, Texas, and promote the aesthetics, health, safety, general welfare, and convenience of the people.

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

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

Section 2. The City of Wimberley Code of Ordinances, Chapter 9 *Planning and Development Regulations*, Article 9.02 *Subdivision Control* and Article 9.06 *Vested Rights*, is hereby amended as shown on Exhibit A attached hereto.

Section 3. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted 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 Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 7. That all rights and privileges of the City and individual landowners are expressly saved as to any and all pending permits or violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or note, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8. This Ordinance shall be in full force and effect after its final passage and approval by the City Council, as duly attested by the Mayor and City Secretary, and any publication required by law.

PASSED AND APPROVED this ____ day of _____, 2023, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

Gina Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

Exhibit A

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and italicized, is for document organization and reference only and is not intended to be adopted. Code of Ordinances of City of Wimberley, Texas, is hereby amended as follows:

{Addition of a development manual}

Sec.9.02.009 Development manual

- (a) The Development Manual shall contain development application forms, required application materials, fees, and application submittal deadlines. The Development Manual may be adopted and updated from time to time by Resolution approved by City Council. A copy of the current Development Manual shall be available upon request.

~~Sec.9.02.009~~ Sec.9.02.010-9.02.040 Reserved

{Removal and replacement of subdivision procedures Sec.9.02.041- 9.02.080}

Sec.9.02.041 General

- (a) The purpose of this section is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdiction of the City of Wimberley.
- (b) The owner of a tract of land located within the city limits or ETJ who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

Sec.9.02.042 Initiation of application

- (a) Application submittal. All development applications to be considered by any Board, Commission, or Committee, or by the City Council, shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.
- (b) Determination of application completeness.
- (1) All submitted development applications shall be subject to a determination of completeness by the City Administrator.
 - (2) No application shall be deemed complete and accepted for filing unless it is accompanied by all documents required by and prepared in accordance with the requirements of the City and any required fees have been paid.
 - (3) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this ordinance.

- (4) Not later than the tenth (10th) business day after the date an application is submitted, the City Administrator shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by the City for the type of permit being requested have been submitted. A determination that the application is incomplete shall be sent to the applicant within such time period by email to the address listed on the application or by United States mail at the address listed on the application with the date the application was submitted. The determination shall specify the documents or other information needed to complete the application. Applications considered incomplete shall not be deemed filed with the City and shall be made available to the applicant for pick-up at City Hall. All incomplete applications not picked up within 10 business days may be discarded at the discretion of the City Administrator. If an application is considered incomplete, a new application package must be submitted.
- (5) The processing of an application by any City employee other than the City Administrator prior to the time the application is officially determined to be complete shall not be binding on the City as the official acceptance of the application for filing.
- (6) A development application shall be deemed to expire on the forty-fifth (45th) calendar day after the application is submitted to the City Administrator for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this ordinance or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be discarded and a new application must be submitted.
- (7) No vested rights accrue solely from the submission of an application that has expired pursuant to this section, or from the submission of a complete application that is subsequently denied.
- (c) Application withdrawal. Any request for withdrawal of an application must be submitted in writing to the City Administrator. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the Board, Commission, Committee, or the City Council of the request for withdrawal. Application fees are not refundable unless reimbursement is otherwise authorized by the City Administrator.

Sec.9.02.043 Pre-application conference

- (a) Prior to submitting an application for approval of a development, subdivision master plan, or subdivision plat, the subdivider, at his/her option, may consult with and present a proposed plan for the subdivision to the City Administrator or his/her designee for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land. At such a meeting the City Staff will be able to make any suggestions that would direct the proposed subdivision toward desirable objectives and possibly prevent unnecessary work and expense if objectives are not met. No vesting shall occur under this subsection in accordance with this ordinance.

Sec.9.02.044 Certification of exhibits

- (a) Applicability. Prior to filing an application for a subdivision master plan or subdivision plat approval the applicant shall secure letters of certification as required by this ordinance and the Development Manual. A request for letters of certification and required items shall be submitted by the applicant as required by the Development Manual.
- (b) Application requirements. Any request for a letter of certification shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of application and decision.

- (1) Submittal. A request for a letter of certification shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant.
- (2) Decision by the City Administrator.
 - (A) After the City Administrator has determined whether the request for letters of certification and required technical data is complete, each certifying department shall issue comments approve, or deny a letter of certification within forty-five (45) calendar days. When a certifying department determines that the proposed plan, plat, or any of the required accompanying data does not conform with the requirements of this ordinance or other applicable regulations, ordinances, or laws, the applicant may at his/her option revise any nonconforming aspects. If any data is revised and resubmitted, the certifying department shall have up to thirty (30) calendar days from the latest date of submission to issue comments, approve, or deny a letter of certification.
 - (B) If a letter of certification is not issued or denied within the time periods prescribed in subsection above, the same shall be deemed issued and the applicant may submit an application for subdivision master plan or subdivision plat without submitting the letter of certification.
- (3) Scope of issuance. A letter of certification does not authorize the development or subdivision of land. Upon receipt of all required letters of certification, the applicant may submit an application for subdivision master plan or subdivision plat approval. Letters of certification shall remain valid for one (1) year from the date of issuance by the certifying department. After that time period, new or updated letters of certification shall be required to file a subdivision master plan or subdivision plat application.
- (4) Amendments. A letter of certification may be amended prior to filing an application for subdivision approval if the proposed amendment:
 - (A) Does not increase the number of lots subject to the application;
 - (B) Does not increase by more than five percent (5%) the lineal footage of roadways or the areas within the paved surface of the street right-of-way;
 - (C) Does not reduce the amount of open space within the proposed subdivision; and
 - (D) Does not alter or change the approved stormwater plan.
- (5) Letter of certification authorization. A letter of certification is not recorded. A letter of certification shall be maintained by the applicant and presented with the application for subdivision master plan or subdivision plat approval.

Sec.9.02.045 Subdivision master plan

(a) Applicability.

- (1) A subdivision master plan is required to provide for review of certain developments for compliance with this ordinance, any additional adopted plans (i.e. water, wastewater, transportation, drainage), the compatibility of land uses, and the coordination of improvements within and among individual parcels of land or phases of development prior to approval of a preliminary or final plat. A subdivision master plan is required for any development meeting one or more following criteria:
 - (A) The property is undeveloped and is greater than fifty (50) acres in size;
 - (B) The proposed subdivision of land is to occur in phases; or
 - (C) The proposed subdivision will require off-site road, drainage, or utility connections of improvements that will have a substantial impact or effect on other properties or developments.

- (2) If a preliminary plat encompasses the entire development and tract of land, a subdivision master plan will not be required.
- (3) A subdivision master plan is not required when all lots in the proposed division of land are greater than five acres, where each part has access and no public improvement is being dedicated.
- (b) Application requirements. Any request for a subdivision master plan shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of application and decision.
 - (1) Submittal. An application for a subdivision master plan shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other city department or consultant. After appropriate review, the City Administrator shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 - (2) Decision by Planning and Zoning Commission. The Planning and Zoning Commission shall receive the written recommendation of the City Administrator and shall consider the proposed subdivision master plan. The Planning and Zoning Commission shall act on the plan within thirty (30) calendar days after the date a complete application is filed. The Planning and Zoning Commission must approve a subdivision master plan that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the City. The Planning and Zoning Commission may vote to approve with conditions or deny a subdivision master plan that does not satisfy all applicable regulations of the City.
 - (3) Conditional approval and denial. If the Planning and Zoning Commission conditionally approves or denies the subdivision master plan, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 - (4) Applicant response to conditional approval or denial. After the conditional approval or denial of a subdivision master plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve revisions required for conditional approval of the subdivision master plan. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied or conditionally approved subdivision master plan, if forwarded to the Planning and Zoning Commission by the City Administrator. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
 - (5) Subdivision master plan authorization. Approval of a subdivision master plan by the Planning and Zoning Commission shall be deemed as an expression of the approval of the layout submitted on the master plan as a guide to the final design of streets, water, sewer, and other required improvements and utilities and to the preparation of a preliminary plat in accordance with the requirements of the City.
- (d) Criteria for approval. The Planning and Zoning Commission, in considering final action on a subdivision master plan, shall consider the following criteria:
 - (1) the subdivision master plan is consistent with all City requirements, including zoning requirements for the property or any development regulations approved as part of a development agreement;
 - (2) the proposed provision and configuration of roads, water, wastewater, drainage, and park facilities are adequate to serve each phase of the subdivision;

- (3) the schedule of development is feasible and prudent and assures that the proposed development will progress to completion within the time limits proposed; and
- (4) the location, size, and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan.
- (e) Expiration. The approval of a subdivision master plan shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved, during which period the applicant shall submit and receive approval for a preliminary plat for any portion of the land subject to the subdivision master plan. If a preliminary plat has not been approved within the two (2) year period, the subdivision master plan approval shall expire and the plan shall be null and void.
- (f) Revisions to an approved subdivision master plan.
 - (1) Minor changes. Minor changes in the design of the subdivision subject to a subdivision master plan may be incorporated in an application for approval of a preliminary plat without the necessity of filing a new application for approval of a subdivision master plan. Minor changes shall include adjustment in street or alley alignments, lengths, and adjustment of lot lines that do not result in the creation of additional lots, provided that such changes are consistent with any approved prior applications.
 - (2) Major Changes. All other proposed changes to the design of the subdivision subject to an approved subdivision master plan shall be deemed major amendments that require submittal and approval of a new application for approval of a revised subdivision master plan before approval of a preliminary plat.

Sec.9.02.046 Preliminary plat

- (a) Applicability.
 - (1) A preliminary plat is required to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable City requirements.
 - (2) A preliminary plat may be submitted for any phase of development consistent with an approved subdivision master plan. Where a subdivision master plan is not required and the area to be platted is part of a larger tract of land, the preliminary plat must encompass the entire tract of land under ownership of the subdivider and shall provide a preliminary layout of streets, lots, blocks, utilities, and drainage for the larger tract. A final plat may be submitted for individual lots to be platted out of the larger parcel.
- (b) Application requirements. Any request for a preliminary plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of application and decision.
 - (1) Submittal. An application for a preliminary plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant. After appropriate review, the City Administrator shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 - (2) Decision by Planning and Zoning Commission. The Planning and Zoning Commission shall receive the written recommendation of the City Administrator and shall consider the proposed plat. The Planning and Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed. The Planning and Zoning Commission must approve a preliminary plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the City. The Planning and Zoning Commission may vote to approve

- with conditions or deny a preliminary plat that does not satisfy all applicable regulations of the City.
- (3) Conditional approval and denial. If the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 - (4) Applicant response to conditional approval or denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve revisions required for conditional approval of the preliminary plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied or conditionally plat, if forwarded to the Planning and Zoning Commission by the City Administrator. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
 - (5) Preliminary plat authorization. Approval of a preliminary plat by the Planning and Zoning Commission shall be deemed as an expression of the approval of the layout submitted on the plat as a guide to the final design of streets, water, sewer, and other required improvements and utilities, and to the preparation of a final plat in accordance with the requirements of this ordinance.
- (d) Criteria for approval. The Planning and Zoning Commission, in considering final action on a preliminary plat, shall consider the following criteria:
- (1) the plat is consistent with all City requirements including zoning requirements for the property;
 - (2) the plat conforms to the general layout of the subdivision master plan (if applicable) and is consistent with the phasing plan approved therein; and
 - (3) the proposed provision and configuration of roads, water, wastewater, drainage, park facilities, easements, and rights-of-way are adequate to serve the subdivision.
- (e) Expiration and extension.
- (1) Expiration. The approval of a preliminary plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved, during which period the applicant shall submit and receive approval for a final plat for any portion of the land subject to the preliminary plat. If a final plat has not been approved within the two (2) year period, the preliminary plat approval, unless extended, shall expire and the plat shall be null and void.
 - (2) Extension. At the request of the property owners or their representative, the expiration date for approval of a preliminary plat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. A preliminary plat is not subject to reinstatement following expiration.
- (f) Revisions to an approved preliminary plat.
- (1) Minor changes. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
 - (2) Major Changes. All other proposed changes to the design of the subdivision shall be deemed major changes which includes but are not limited to the reconfiguration of street or alley

alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, and changes to drainage. The City Administrator shall determine if a change is minor or major. Major changes shall require submittal of a revised subdivision master plan (if applicable) and preliminary plat which is submitted and processed the same as a new subdivision master plan application and new preliminary plat application.

Sec.9.02.047 Final plat

(a) Applicability

- (1) A final plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this ordinance to enable initiation of site preparation activities for any lot or tract subject to the plat. Approval of a final plat shall be required prior to any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.
- (2) A final plat may be submitted for any phase of development consistent with an approved preliminary plat.

(b) Application requirements. Any request for a final plat shall be accompanied by an application prepared in accordance with the City's Development Manual.

(c) Processing of application and decision

- (1) Submittal. An application for a final plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant. After appropriate review, the City Administrator shall forward a written recommendation to the Planning and Zoning Commission for consideration.
- (2) Decision by Planning and Zoning Commission. The Planning and Zoning Commission shall receive the written recommendation of the City Administrator and shall consider the proposed final plat. The Planning and Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed. The Planning and Zoning Commission must approve a final plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the City. The Planning and Zoning Commission may vote to approve with conditions or deny a final plat that does not satisfy all applicable regulations of the City.
- (3) Conditional approval and denial. If the Planning and Zoning Commission conditionally approves or denies the final plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (4) Applicant response to conditional approval or denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve revisions required for conditional approval of the final plat. The Planning

and Zoning Commission shall determine whether to approve or deny the applicant's previously denied or conditionally approved plat, if forwarded to the Planning and Zoning Commission by the City Administrator. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.

- (d) Criteria for approval. The Planning and Zoning Commission, in considering final action on a final plat, shall consider the following criteria:
 - (1) The plat is consistent with all City requirements including zoning requirements for the property;
 - (2) The final plat conforms to the approved preliminary plat, except for minor changes that may be approved without the necessity of revising the approved preliminary plat; and
 - (3) The proposed provision and configuration of roads, water, wastewater, drainage, park facilities, easements, and rights-of-way are adequate to serve the subdivision.
- (e) Expiration and extension.
 - (1) Expiration. The approval of a final plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the Planning and Zoning Commission, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the final plat has not been recorded within the two (2) year period, the final plat approval, unless extended, shall expire and the plat shall be null and void.
 - (2) Extension. At the request of the property owners or their representative, the expiration date for approval of a final plat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. A final plat is not subject to reinstatement following expiration.
- (f) Revisions following approval of final plat
 - (1) Minor Changes. An applicant may make minor changes to an approved final plat to reflect changes arising from installation of public improvements thereafter, provided that the approved final plat has not been recorded and that approval of the revised final plat occurs prior to expiration of approval of the initial final plat application. The City Administrator is authorized to approve minor changes to an approved final plat. If the approved final plat has been recorded, an amending plat or replat must be approved and recorded. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
 - (2) Major Changes. All other proposed changes shall be deemed major changes which include but are not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, and changes to drainage. The City Administrator shall determine if a change is minor or major. Major changes shall require submittal of a revised final plat which is submitted and processed the same as a new final plat application. Major changes may also require the submittal of a new application for approval of a preliminary plat before approval of a revised final plat.

Sec.9.02.048 Minor plat

- (a) Applicability. A minor plat may be submitted for approval where the proposed division of land involves four (4) or fewer lots fronting onto an existing public or private street and not requiring the creation of any new street or the extension of municipal facilities.
- (b) Application Requirements. Any request for a minor plat shall be accompanied by an application prepared in accordance with the City's Development Manual.

(c) Processing of Application and Decision.

- (1) Submittal. An application for a minor plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant.
- (2) Minor plat approval. The City Administrator may approve a minor plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Administrator shall not disapprove a minor plat and shall be required to refer any plat for which approval is refused to the Planning and Zoning Commission. The City Administrator or the Planning and Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed.
- (3) Conditional Approval and Denial. If the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (4) Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve revisions required for conditional approval of the plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied or conditionally approved plat, if forwarded to the Planning and Zoning Commission by the City Administrator. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.

(d) Criteria for approval. The City Administrator or Planning and Zoning Commission, in considering final action on a minor plat, shall consider the following criteria:

- (1) The plat is consistent with all City requirements including zoning requirements for the property;
- (2) All lots to be created by the plat already are adequately served by all required public utilities and infrastructure; and
- (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

(e) Expiration and extension.

- (1) Expiration. The approval of a minor plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the City Administrator or the Planning and Zoning Commission. If the minor plat has not been recorded within the two (2) year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
- (2) Extension. At the request of the property owners or their representative, the expiration date for approval of a minor plat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. A minor plat is not subject to reinstatement following expiration.

Sec.9.02.049 Amending plat

- (a) Applicability. An amending plat may be submitted for approval, and if approved and recorded is controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by all owners of the property being replatted and is solely for one (1) or more of the following purposes:

- (1) To correct an error in a course or distance shown on the preceding plat;

- (2) To add a course or distance that was omitted on the preceding plat;
- (3) To correct an error in a real property description shown on the preceding plat;
- (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) To show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - (A) Both lot owners join in the application for amending the plat;
 - (B) Neither lot is abolished;
 - (C) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (D) The amendment does not have a materially adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) To relocate one or more lot lines between one or more adjacent lots if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove recorded covenants or restrictions; or
 - (C) The amendment does not increase the number of lots;
- (10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (A) The changes do not affect applicable zoning and other regulations of the municipality;
 - (B) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (C) The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area;
- (11) To replat one or more lots fronting on an existing street if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove recorded covenants or restrictions;
 - (C) The amendment does not increase the number of lots; and
 - (D) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) Application Requirements. Any request for an amending plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of Application and Decision.
 - (1) Submittal. An application for an amending plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant.
 - (2) Amending plat approval. The City Administrator may approve an amending plat. The City Administrator may, for any reason, elect to present the plat for approval to the Planning and Zoning Commission. The City Administrator shall not disapprove an amending plat and shall be required to refer any plat for which approval is refused to the Planning and Zoning Commission. The City Administrator or the Planning and Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed.
 - (3) Conditional Approval and Denial. If the Planning and Zoning Commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or

reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

- (4) Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve revisions required for conditional approval of the plat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied or conditionally approved plat, if forwarded to the Planning and Zoning Commission by the City Administrator. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
- (d) Criteria for approval. The City Administrator or Planning and Zoning Commission in considering final action on an amending plat shall consider the following criteria:
 - (1) The plat is consistent with all City requirements including zoning requirements for the property;
 - (2) All lots to be created by the plat already are adequately served by all required public utilities and infrastructure; and
 - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- (e) Expiration and extension.
 - (1) Expiration. The approval of an amending plat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the City Administrator or the Planning and Zoning Commission. If the amending plat has not been recorded within the two (2) year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
 - (2) Extension. At the request of the property owners or their representative, the expiration date for approval of an amending plat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. An amending plat is not subject to reinstatement following expiration.

Sec.9.02.050 Replat

- (a) Applicability. A replat is any plat that complies with Texas Local Government Code (LGC) sections 212.014, 212.0145, and 212.015, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat. Replatting a portion of a recorded lot is not permitted.
- (b) Application requirements. Any request for a replat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of application and decision.
 - (1) Submittal. An application for a replat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant. After appropriate review, the City Administrator shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 - (2) Notification requirements for certain replats.
 - (A) Applicability. An application for a replat which is also accompanied by a waiver or variance request requires a public hearing and notice if:

- (i) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (ii) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (B) Public hearing notice. Notice of the public hearing shall be given at least 16 calendar days before the date of the public hearing by:
 - (i) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
 - (ii) written notice with a copy of LGC Sec. 212.015(c) attached, mailed to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll, or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.
- (C) Protests. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing. If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the Planning and Zoning Commission members present.
 - (i) In computing the percentage of land area for protest, the area of streets and alleys shall be included.
- (3) Decision by the Planning and Zoning Commission. The Planning and Zoning Commission shall receive the recommendation of the City Administrator and shall consider the proposed replat. If required, a public hearing shall be held in accordance with LGC Chapter 212. The Planning and Zoning Commission shall act on the plat within thirty (30) calendar days after the date a complete application is filed. The Planning and Zoning Commission must approve a replat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the City. The Planning and Zoning Commission may vote to approve with conditions or deny a replat that does not satisfy all applicable regulations of the City.
- (4) Conditional Approval and Denial. If the Planning and Zoning Commission conditionally approves or denies the replat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (5) Applicant Response to Conditional Approval or Denial. After the conditional approval or denial of a replat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The City Administrator is authorized to approve revisions required for conditional approval of the replat. The Planning and Zoning Commission shall determine whether to approve or deny the applicant's previously denied or conditionally approved replat or conditionally approved, if forwarded to the Planning and Zoning Commission by the City Administrator. Action shall be taken by the City Administrator or Planning and Zoning Commission no later than the fifteenth (15th) calendar day after the date the response was submitted.
- (d) Criteria for Approval. The Planning and Zoning Commission in considering final action on a replat shall consider the following criteria:

- (1) the replat is consistent with all City requirements including zoning requirements for the property;
- (2) the replat is signed and acknowledged by only the owners of the property being replatted;
- (3) if required, a public hearing was held and parties in interest and citizens have had an opportunity to be heard;
- (4) if required, the proposed provision and configuration of roads, water, wastewater, drainage, park facilities, easements, and rights-of-way are adequate to serve the subdivision; and
- (5) the replat does not attempt to amend or remove any covenants or restrictions.
- (e) Notification of approval for certain replats. If a proposed replat does not require a variance or exception, the City Administrator shall, not later than the 15th calendar day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This notification requirement does not apply to a proposed replat if the Planning and Zoning Commission holds a public hearing and gives notice of the hearing in the manner provided above.
 - (1) The notice of a replat approval must include:
 - (A) the zoning designation of the property after the replat; and
 - (B) a telephone number and e-mail address an owner of a lot may use to contact the City about the replat.
- (f) Expiration and extension.
 - (1) Expiration. The approval of a replat shall remain in effect for a period of two (2) years after the date the application was approved or conditionally approved by the Planning and Zoning Commission. If the replat has not been recorded within the two (2) year period, the replat approval, unless extended, shall expire and the plat shall be deemed null and void.
 - (2) Extension. At the request of the property owners or their representative, the expiration date for approval of a replat may be extended by the Planning and Zoning Commission for a period not to exceed six (6) months. A replat is not subject to reinstatement following expiration.

Sec.9.02.051 Vacating a plat

- (a) Applicability. The provisions of this section are authorized under LGC Chapter 212 and shall be applicable to all areas within the City limits and ETJ.
- (b) Application Requirements. Any request for vacating a plat shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of Application and Decision.
 - (1) Submittal. An application for vacating a plat shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant. After appropriate review, the City Administrator shall forward a written recommendation to the City Council for consideration.
 - (2) Decision by the City Council. The City Council shall receive the recommendation of the City Administrator and shall consider the proposed plat vacation. The City Council may vote to approve, approve with conditions, or deny a request for vacating a plat.
- (d) Criteria for approval. The City Council in considering action on vacating a plat should consider the following criteria:
 - (1) the vacating plat is consistent with all zoning requirements for the property, all other requirements of this ordinance that apply to the plat vacation, and any other applicable City requirements;

- (2) the vacating plat is signed and acknowledged by all owners of lots in the original plat; and
- (3) the vacating plat is consistent with all other state requirements pertaining to vacating a plat.
- (e) Effect of vacation.
 - (1) Upon the execution and recording of the vacating instrument, the previous plat shall no longer be in effect.
 - (2) Regardless of the City Council's action on the application, the applicant will have no right to a refund of any monies, fees, or charges paid to the City, nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.
 - (3) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
 - (4) The City Council, at its discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the City Council shall consider a request for vacating a plat upon satisfactory conveyance of easements or right-of-way in a separate legal document using forms provided by the City Attorney's office.

Sec.9.02.052 Recordation

- (a) Recording procedures. After approval of a final plat, minor plat, amending plat, or replat and acceptance of any required public improvements or execution of a Subdivision Improvement Agreement pursuant to this ordinance, the applicant may submit all required items to the City to record the plat in the county in which the land is located. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an Improvement Agreement, the City Administrator shall procure the signature of the City Engineer and the Planning and Zoning Commission Chairperson or his/her designee on the plat and shall promptly cause the plat to be recorded. The City Administrator may, at their discretion, return the signed plat to the subdivider to record the plat with the County. No plat will be received for recording until all back taxes owed to the City have been paid in full and a certified copy of a tax certificate from the applicable county tax office has been received for the subject property.

Sec.9.02.053 Plat waivers

- (a) General. The City Council may authorize waivers from the provisions of this ordinance when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the City Council shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the City Council shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waivers upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
- (b) Timing. Plat waivers shall be submitted prior to filing a plat application. The City will not issue a letter of certification for any proposed subdivision plat exhibits requesting a plat waiver until the requested waiver has been approved.
- (c) Application requirements. Any request for a plat waiver shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (d) Processing of application and decision.
 - (1) Submittal. An application for a plat waiver shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant. After appropriate

review, the City Administrator shall forward a written recommendation to the City Council for consideration.

- (2) Notification requirements for plat waivers. Written notice of the public hearing shall be mailed to each owner of real property within 200 feet, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing.
- (3) Decision by City Council. The City Council shall hold a public hearing, receive the written recommendation of the City Administrator, and shall consider the proposed plat waiver request. The City Council may vote to approve, approve with conditions, or deny the plat waiver request.
- (e) Conditions. In approving a plat wavier, the City Council may prescribe appropriate conditions that it deems necessary or desirable to the public interest
- (f) Criteria for approval. The City Council, in considering action on a plat waiver should consider the following criteria:
 - (1) That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area;
 - (2) The granting of the waiver is in in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured and justice done;
 - (3) The granting of the waiver is necessary for the preservation and enjoyment of a substantial property right;
 - (4) There are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the Subdivider of the reasonable use of the land;
 - (5) The waiver request represents the minimum degree of variation, in the opinion of City Council, of requirements necessary to meet the needs of the subdivider;
 - (6) The waiver is to a provision of this subdivision ordinance; and
 - (7) The granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.
- (g) The findings of the City Council, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which such waiver is granted.
- (h) Expiration. Approved waivers shall expire 12 months after approval if a plat application has not been filed with the City. If a plat application is filed before the waiver expires, the approved waiver shall be incorporated into the plat application and follow the same expiration timelines as the associated plat application.
- (i) Limitations. City Council may only authorize a waiver to the subdivision regulations in this article.

Sec.9.02.054 Infrastructure construction plans and completion of improvements

- (a) Applicability. The provisions of this section apply to the construction of any public infrastructure improvements.
- (b) Application Requirements. Any request for construction of any public infrastructure improvements shall be accompanied by an application prepared in accordance with the City's Development Manual.
- (c) Processing of Application and Decision.
 - (1) An application shall be submitted to the City Administrator. The City Administrator shall review the application for completeness. The City Administrator may request a review and recommendation from any other City department or consultant.
 - (2) Decision by the City Administrator. The City Administrator may approve, approve with conditions, or deny the construction plans.

- (d) Criteria for Approval. The City Administrator shall apply the following criteria in making a decision on the construction plans:
 - (1) The construction plans are consistent with the approved preliminary plat or the proposed final plat in the event that the public infrastructure improvements are in relation to a plat; and
 - (2) The construction plans conform to all applicable regulations pertaining to the construction and installation of public infrastructure improvements.
- (e) Expiration. The approval of construction plans shall remain in effect for two (2) years after the date the construction plans were approved by the City Administrator. If construction of the project has not commenced during the two (2) year period, approval of the construction plans shall expire. For public infrastructure improvements that are associated with a final plat, approval of the construction plans shall remain in effect for the time that approval of the final plat is in effect and shall expire when approval of the final plat expires, unless an extension is granted.
- (f) Extension. At the written request of the property owner or their authorized agent, the expiration date for the approval of construction plans may be extended by the City Administrator for a period not to exceed six (6) months.
- (g) Timing of Public Infrastructure Improvements.
 - (1) Completion prior to final plat recordation. For public infrastructure improvements associated with a proposed subdivision or development, except as provided below, completion of the improvements shall be in accordance with the approved construction plans and shall occur before an approved final plat is recorded, unless the obligation to construct public infrastructure improvements has been deferred and an improvement agreement is executed.
 - (2) Installation after final plat recordation. The property owner or applicant may request to defer the obligation to construct and install one (1) or more public improvements to serve the associated subdivision until after final plat recordation. The request shall be submitted in writing and specify what is being requested for deferral. The City Administrator, at their discretion, may approve or deny the request to defer installation of public infrastructure improvements. Deferral of the obligation to install public improvements if granted shall be conditioned on execution of a subdivision improvement agreement and provision of sufficient security.
 - (3) Off-Site Easements. All necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider or developer and conveyed solely to the City by an instrument approved by the City.
- (h) Inspection and Acceptance of Public Infrastructure Improvements.
 - (1) Inspections. Inspection of the public infrastructure improvements shall be conducted by the City or its representatives. Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be subject to approval by the City Administrator.
 - (2) Submission of as-built plans or record drawings. The City shall not accept dedication of required public improvements until the applicant has submitted detailed "as-built" record drawings in accordance with City requirements. In addition, the applicant shall provide a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.
 - (3) Acceptance of improvements. When the City Administrator has determined that the public infrastructure improvements have been installed in accordance with the approved Construction Plans, the City Administrator shall accept such improvements on behalf of the City. Acceptance of the improvements shall mean that the property owner has transferred all rights to all the public improvements to the City for use and maintenance. Upon acceptance of the required public improvements, the City Administrator shall have a certificate issued to the property owner stating that all required public improvements have been satisfactorily completed.

- (i) Maintenance and Warranty of Improvements.
 - (1) Maintenance during construction. The developer shall maintain all required public improvements during construction of the development.
 - (2) Bond. The developer or owner shall covenant to warranty the required public improvements for a period of two (2) years following acceptance by the City of all required public improvements or following the date of plat recordation, whichever occurs later. A warranty bond shall be provided in the amount of 20% of the costs of the improvements for such period. All public improvements shall be bonded.
 - (3) Whenever a defect or failure of any required improvement occurs within the period of coverage, the City shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year sufficient to cover the corrected defect or failure.

Sec.9.02.055 Subdivision improvement agreements

- (a) Deferral of public improvements. The property owner or applicant may request to defer the obligation to construct and install one (1) or more public improvements to serve the associated subdivision until after final plat recordation. The request shall be submitted in writing and specify what is being requested for deferral. The City Administrator, at their discretion, may approve or deny the request to defer installation of public infrastructure improvements. Deferral of the obligation to install public improvements if granted shall be conditioned on execution of a subdivision improvement agreement and provision of sufficient security.
- (b) Obligations under agreement. Whenever public improvements to serve development are deferred until after recordation of the final plat, the property owner shall enter into an Improvement Agreement and provide adequate security as determined by the City Administrator. The Improvement Agreement shall be subject to review and approval by the City Administrator and any other City department or consultant they deem necessary. The agreement shall contain the following minimum provisions:
 - (1) covenants to complete the improvements be no later than two (2) years after approval of the final plat, unless otherwise stipulated in the terms and conditions of the Improvement Agreement;
 - (2) covenants to warranty the required public improvements for a period of two (2) years following acceptance by the City of all required public improvements, unless stated otherwise in the Improvement Agreement;
 - (3) covenants to provide a warranty bond in the amount of 20% of the costs of the improvements for such period, unless stated otherwise in the Improvement Agreement;
 - (4) provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor;
 - (5) provisions for securing the obligations of the agreement in accordance with this ordinance; and
 - (6) such other terms and conditions as are agreed to by the City and the property owner, or as may be required by this ordinance or other City regulations.
- (c) Covenants to run with the land. The Improvement Agreement shall provide that the covenants contained in the Agreement run with the land and bind all successors, heirs, and assignees of the property owner. All existing owners and lienholders shall be required to execute the Agreement or provide written consent to the covenants contained in the Agreement.
- (d) Security for Completion of Improvements.
 - (1) Security. Whenever the property owner has entered into an Improvement Agreement to defer installation of public improvements, the property owner shall provide sufficient security for

completion of the required public improvements. The security shall be in the form of a cash escrow, a performance bond, or surety bond provided by a licensed surety company, or other security as approved by the City Administrator.

- (2) Amount and acceptability. The security shall be issued in the minimum amount of 125% of the estimated cost of completion that is approved by the City Administrator for the required public infrastructure improvements. The terms of the security agreement shall be subject to the approval of the City Administrator and the City Attorney.
- (3) Remedies. Where an Improvement Agreement has been executed and security has been posted and required public improvements have not been installed in accordance with the terms of the agreement, the City may:
 - (A) declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
 - (B) obtain funds under the security and complete the improvements itself or through a third party; or
 - (C) assign its right to receive funds under the security to any third party, including a subsequent owner of the development, in exchange for the subsequent owner's agreement and posting of security to complete the public infrastructure improvements.

~~Sec.9.02.049~~ Sec.9.02.056 - 9.02.080 Reserved

{Remove Division 3 Alternative Form Subdivisions}

Division 3. Alternative Form Subdivisions Reserved

~~Sec.9.02.085~~ Sec.9.02.081 – 9.02.110 Reserved

{Revisions to Sec.9.02.234 and Sec.9.02.235 for consistency with the new section for Infrastructure construction plans and completion of improvements }

Sec.9.02.234 Improvement Plans Reserved

~~Plans for the improvements required by this division shall be prepared and approved in accordance with the provisions contained in this article and as specifically set forth in section 9.02.235.~~

Sec.9.02.235 Acceptance of improvements Reserved

~~During the course of installation and construction of the required improvements, the director or his or her designated representative shall make periodic inspections of the work to ensure that all improvements comply with municipal requirements. Upon completion of installation and construction of all required improvements, the subdivider may seek acceptance of all public improvements by the city by submitting the required number of copies of as-built plans and a one-year maintenance bond in an amount as specified at the time of final plat submittal. In addition, the subdivider shall provide a statement signed by a registered professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.~~

{Relocation of sidewalk construction timing requirements to Sec. 9.02.115.b.24}

Sec.9.02.115.b.24

Pedestrian circulation. Sidewalks shall be provided along both sides of primary and secondary arterials and collectors and one side of local streets. Crosswalks shall be provided to connect parallel streets when blocks exceed 1,000 feet or when blocks exceed 500 feet and the path would provide a connection to a school, park, or other community service facility. A minimum of ten feet of right-of-way is required for all crosswalks. Sidewalks shall be provided along both sides of all streets, whether public or private, within 1,000 feet of public school or park property. Sidewalks shall be constructed as shown on the approved construction plans according to the City's construction standards and specifications for roads, streets, structures, and utilities. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.

{Removal and replacement of Parkland dedication regulations Sec.9.02.271-9.02.310}

Sec.9.02.271 Purpose

- (a) The purpose of this section is to provide for the adequate provision of parkland and open space to meet the needs of a growing City population; for improvements to existing parkland; for establishment, maintenance, and operation of a Parkland Dedication Fund; establish requirements and procedures for governing required dedications of parkland or improvements to existing parkland by subdividers of land; and for cash payments-in-lieu of land by subdividers of land in certain cases.
- (b) It is hereby declared by the City Council that recreational areas in the form of parks and open spaces are necessary and for the public welfare and that the only adequate procedure to provide for parkland and park improvements is by integrating such a requirement into the procedure for planning and developing property or subdivisions in the City, whether such development consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land. It is the policy of the City to require subdividers of residential subdivisions and lots to provide for parkland and park facilities at the time of development approval in proportion to the need for such improvements created by the developments and in proportion to the benefits received from contribution of such facilities.

Sec.9.02.272 Applicability

The parkland dedication and park development requirements of this section shall be applicable to every residential and multifamily subdivision developed under the provisions of this ordinance, whether such subdivision consists of new residential construction on vacant land or the addition of new dwelling units on existing residential land, within the City limits and ETJ.

Sec.9.02.273 Parkland design requirements

- (a) Compliance with the comprehensive plan. Any land to be dedicated to meet the requirements of this article shall be reasonably located and adaptable for use as a public park and recreation facility as defined by the comprehensive plan. The Parks and Recreation Board shall make a recommendation on the suitability of proposed parkland. The shape of the parcel or tract of land to be dedicated should be appropriate for public parks and recreation purposes.

- (b) Minimum area. The dedicated land should form a single parcel or tract of land at least 5 acres in size unless it is determined that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City.
- (c) General location. The location of parkland may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise, a centralized location is preferred.
- (d) Usable land. At least fifty percent (50%) of proposed parkland dedication site shall be level, well drained, and suitable for open play. Such land shall be located outside of any one hundred (100) year floodplain or any other special flood zone identified on the most recently approved FEMA FIRM map and shall not exceed five percent (5%) slope. A plat waiver to this requirement may be requested when the proposed parkland dedication furthers the goals and objectives of the parks and open space portion of the comprehensive plan.
- (e) Areas within the 100-year floodplain. The following standards shall also apply to the consideration of parkland dedication within the 100-year floodplain.
 - (1) Areas within the 100-year floodplain may be dedicated in fulfillment of the dedication requirement when the development is adjacent to the Blanco River or Cypress Creek. This dedication shall include the entire 100-year floodplain, or a 200-foot strip measured from the centerline of the creek, river, or the floodway, whichever is greater. This dedication requirement shall take precedence over all other parkland dedication requirements, including the possibility that these dedicated tracts may have to be exempt from the other design standards for parkland described in this section. Every acre of proposed dedicated parkland located within the floodplain or other special flood hazard area adjacent to the Blanco River or Cypress Creek shall count as one and one-half (1.5) acres of land towards the total parkland dedication requirement.
 - (2) Areas in the 100-year floodplain not located adjacent to the Blanco River or Cypress Creek may constitute up to 50% of the requirement of land dedication. Every acre of proposed dedicated parkland located within the floodplain or other special flood hazard area not adjacent to the Blanco River or Cypress Creek shall count as one-half (½) acre of land towards the total parkland dedication requirement. However, with a recommendation from the Parks and Recreation Board, the Planning and Zoning Commission may permit the area within the 100-year floodplain, when not located adjacent to the Blanco River or Cypress Creek, to constitute up to 100% of the parkland dedication requirement if, in its opinion, the dedication of the land furthers the goals and objectives of the parks and open space portion of the comprehensive plan.
- (f) Access. Access to parkland designated on a subdivision plat shall be provided by the dedication of at least 200 feet of street frontage in a manner satisfactory to the City, preferably at the corner of two (2) intersecting streets. When the land abutting the designated parkland is developed, the subdivider of such abutting land shall furnish and pay for all paving of all abutting street frontage. The City Administrator may reduce the amount of required frontage for unique parkland dedications which furthers the goals and objectives of the parks and open space portion of the comprehensive plan.
- (g) Utilities. Public utilities including water and wastewater connections shall be readily available at the park site with water and wastewater lines located along the street frontage. The applicant must demonstrate to the satisfaction of the City that sufficient utilities are available to serve the park.
- (h) Disturbance of land. Any disturbed parkland shall be restored and the soil stabilized by vegetative cover by the developer.
- (i) Drainage improvements. Detention ponds and/or other drainage facilities that serve the subdivision shall not be constructed in areas that are to be dedicated as parkland.

- (j) Environmentally sensitive features. In the case of areas known to contain sensitive environmental features, the City Council may, at its discretion, waive these standards subject to the following limitations:
 - (1) The areas shall provide recreational or educational opportunities for the surrounding community;
 - (2) The areas shall be given a 50% credit against the requirement of land dedication or payment of fees; and
 - (3) The areas shall meet any additional standards specified in the parkland design standards pertaining to the dedication of areas known to contain sensitive environmental features.
- (k) Parks and Recreation Board recommendation. The Parks and Recreation Board shall make recommendations, based upon the parkland design standards and the provisions contained herein, to the City Administrator concerning the amount and location of parkland, credit for land in the 100-year floodplain, credit for areas known to contain sensitive environmental features, and development of parkland.

Sec.9.02.274 Dedication and improvement

- (a) Land dedication. The subdivider of a residential (including multifamily) subdivision shall dedicate to the City developed improved parkland in the amount as established within the fee schedule adopted by the City Council. Parkland shall be shown on the final plat establishing a residential (including multifamily) subdivision and shall contain the dedication of an area of land for park purposes meeting the requirements set out in this section.
- (b) Development of areas smaller than five (5) acres. The dedicated land should form a single parcel or tract of land at least five (5) acres in size unless it is determined that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City. If no land for parkland is being required by the City due to size or location, then prior to filing the plat, the subdivider shall be required to pay to the City the applicable cash payment-in-lieu of land. No plat showing a dedication of less than five (5) acres for a public park shall be approved by the Planning and Zoning Commission unless it is determined by the Commission that a smaller tract would be in the public interest, or that additional contiguous land will be reasonably available for dedication to or purchase by the City.
- (c) Improvements. A subdivider dedicating parkland shall improve the public parkland with improvements approved by the City Administrator. The minimum value for the improvements should be roughly proportionate to the amount the subdivider would be required to pay as fee-in-lieu for parkland development if they were not dedicating land. Design, specification, and construction of the improvements shall be subject to review and approval by the City. No final plat shall be recorded for any subdivision in which completion of the required improvements has not been accepted by the City unless a parkland improvement agreement has been approved and executed with an adequate financial surety provided.

Sec.9.02.275 Fee-in-lieu

- (a) Right to request waiver of dedication requirements. A subdivider obligated to make a dedication of land may request the City waive the required dedication of land, in whole or in part, and to accept a cash payment-in-lieu of land dedication. Any request for a waiver to the land dedication requirements shall be subject to review and approval by the City Administrator. The City Administrator may, for any reason, elect to present the waiver request for approval to the City Council.
- (b) Required fee-in-lieu of land dedication and improvements. Any subdivider who is required to make a cash payment-in-lieu of land dedication and improvements or who is granted a waiver in accordance

with this ordinance, shall make a cash payment-in-lieu of land and improvements in accordance with this section. The amount of such cash payment-in-lieu of land shall be calculated by multiplying the number of dwelling units proposed to be established by the plat times the amount per dwelling unit as established in the fee schedule set from time to time by the City Council. A cash payment-in-lieu of land and improvements shall be made prior to the recordation of the final plat for single family residential uses and prior to the issuance of a building permit for multifamily developments.

- (c) Additional dwelling units. The addition of new dwelling units increasing the total number of dwelling units on existing land (including multifamily) shall be required to dedicate and improve parkland or pay a fee-in-lieu for parkland dedication and improvement. Dedication and improvement of parkland or a fee-in-lieu for parkland dedication and improvement is not required for the addition of an accessory dwelling unit.

Sec.9.02.276 Parkland dedication and improvement fund

- (a) The City shall reserve all fee-in-lieu of payments and any accrued interest from the fee-in-lieu of parkland dedication or fee-in-lieu of parkland improvement in a separate account from the general funds of the City. This fund shall be known as the Parkland Dedication & Improvement Fund.
- (b) The City shall deposit sums collected as cash payments-in-lieu of land and cash payments-in-lieu of improvements in the Parkland Dedication & Improvement Fund. The City shall expend such funds collected for the acquisition of land or for the improvement of existing parks on a first in, first out basis.
- (c) The City shall maintain records detailing the receipts and expenditures for the Parkland Dedication Fund. All funds deposited as credit for fee-in-lieu of parkland dedication or improvement shall be utilized for the acquisition of new parkland and/or the development of new or existing parkland within the City.

Sec.9.02.277 Parkland dedication procedure

- (a) Dedication procedures. The owner of property for a residential subdivision shall be required at final plat approval to dedicate parkland. The land so dedicated and conveyed shall not be subject to any reservations of record, encumbrances of any kind, or easements, which in the opinion of the City will interfere with or materially increase the cost of making such land available for parks or recreational purposes. Dedication of parkland shall be evidenced by a formal dedication on the plat to be recorded or by warranty deed transferring the property in fee simple to the City.
- (b) Right to accept/reject land. If the City determines that sufficient park area is already in the public domain within proximity of the proposed development, or if the recreation needs for the area would be better served by expanding or improving existing parks, the City has the right to accept the dedication or to refuse same and require a cash payment-in-lieu of land and improvements.
- (c) Development of Subdivision in Phases. If a subdivision is to be developed in phases and the final platting of the park area to be dedicated is to be included in a future phase, then the subdivider shall be required to enter into a Parkland Improvement Agreement and provide sufficient security for the land and improvements.

Sec.9.02.278 Parkland Improvement Agreement

The property owner or applicant may request to defer the obligation to dedicate parkland and/or develop parkland until after a final plat recordation. The request shall be submitted in writing and specify what is requested for deferral. Deferral of the obligation to dedicate parkland and/or develop parkland shall be conditioned on execution of an Improvement Agreement and provision of sufficient security. The City Administrator may approve or deny the request to defer obligations to dedicate

parkland dedication and/or develop parkland. A Parkland Improvement Agreement may be required for phased subdivisions where the parkland dedication is placed in a future phase.

Secs.9.02.279- 9.02.310 Reserved

{modifications to Division 10 Administration and Enforcement}

Sec.9.02.351 General Administration

For all subdivisions of land within the scope of this article, a plat of the subdivision shall be prepared and submitted to the City planning and zoning commission and city council for their approval, approval with conditions, or disapproval as provided for in this article.

{Repeal and replacement of Sec.9.02.357}

Sec.9.02.357 Reserved.

{Revisions for to Sec.9.02.233 for consistency with new plat waivers Sec.9.02.053 Plat waivers}

Sec. 9.02.233 Continuity of improvements

All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage, and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation, and drainage improvements shall be extended to the perimeter of a subdivision, except that notwithstanding the prohibition of granting ~~variances~~ waivers for improvements as set forth in ~~section 9.02.357~~ of this Code article, the commission is authorized to vary or modify the requirement for extending water, wastewater, transportation, and drainage improvements to the perimeter of a subdivision in accordance with the plat waiver procedural requirements ~~contained in section 9.02.357~~.

{Revisions for to Sec.9.02.133.g.18 for consistency with new plat waivers Sec.9.02.053 Plat waivers}

Sec.9.02.133.g.18

The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, those requirements shall be made by the commission. Special exceptions to these requirements may be allowed pursuant to ~~section 9.02.357~~ 053 of this Code when the special exception will not result in drainage-related problems sought to be prevented by these regulations.

{Addition of vested rights provisions}

Article 9.06 Vested Rights

Sec.9.06.001 Vested rights

(a) Introduction. LGC Chapter 245 - Issuance of Local Permits, commonly referred to as the State's "Vested Rights Law", provides an opportunity for landowners or developers to "grandfather" or "vest" government regulations that apply to development at the time of the filing of a permit

application. The City has established in this section an administrative procedure for consideration of any claim of a vested right.

- (b) Definitions. The following terms shall have the meaning hereinafter ascribed to them under this section:

LGC – The Texas Local Government Code

Project – an endeavor over which the City (a regulatory agency, as defined by LGC Chapter 245) exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

Permit - a license, certificate, approval, registration, consent, permit, contract, or other agreement for construction related to, or provisions of, service from a water or wastewater utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order or ordinance that a person must obtain to perform an action or initiate, continue, or complete a Project for which the permit is sought (i.e., subdivision master plan, preliminary plat, or final plat).

- (c) Administrative procedure for consideration of claim of vested rights. Any property owner claiming vested rights under Chapter 245 of the LGC, or other applicable vesting law, shall submit a letter explaining in sufficient detail the basis upon which the property owner is claiming vesting and, consequently, is exempt from or not subject to a particular current regulation, ordinance, rule, expiration date, or other requirement. Such written submission shall include, at a minimum, the following:
- (1) The name, mailing address, and telephone number of the property owner (or the property owner's duly authorized agent);
 - (2) Identification of the property, including the address (if it exists) and the plat reference (if it exists) or metes and bounds (if not platted), for which the property owner claims a vested right;
 - (3) Provide project name, type of permit and date the permit was filed;
 - (4) If a property owner claims that certain regulations do not apply to the project, the property owner must identify, with particularity, all requirements that the property owner claims do not apply; and
 - (5) Attach all supporting documents, if any.
- (d) Vested rights determination. The City Administrator will review the request and supporting documents and issue a final administrative determination of whether a vested right exists in relation to the project and shall identify in writing to the property owner all claims for which vested rights have been granted (the "Vested Rights Determination").
- (e) Appeal of vested rights determination. If the property owner believes that the vested rights determination is in error, the property owner shall have the right to appeal such vested rights

determination to the City Council, which will have jurisdiction to hear and decide the appeal pursuant to this ordinance and LGC Chapter 245.

(f) Permits, Projects and vested rights.

(1) A property owner's original permit application expires on or after the forty-fifth (45th) calendar day after the date the application is submitted if:

- (A) the property owner fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit application;
- (B) the City provides to the property owner, not later than the tenth (10th) business day after the date the application is filed, written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
- (C) the property owner fails to provide the specified documents or other information within the time provided in the written notice.

(2) Permits and Projects Expiration.

- (A) Only a project which was in progress (as defined by LGC Chapter 245) or for which a permit application was filed after September 1, 1997, may be eligible to claim vested rights; any project for which the permit application was filed prior September 1, 1997, or has expired, is not eligible. Vested rights do not begin to accrue until the filing of an original application or subdivision master plan or plat application that gives the City fair notice of the project to which the permit applies and the nature of the permit sought.
- (B) A project will expire in five (5) years from the date the first permit application was filed for the project with City if progress, as defined in LGC Chapter 245, has not been made towards completion of the project. An expired project is considered dormant, vested rights lapse, and the project must comply with all current ordinances and requirements.
- (C) The following Permits (as well as other Permits satisfying the requirements of LGC Chapter 245), which include Plat Applications and Plats, may be relied on by a property owner or developer to establish certain vested rights for a Project unless otherwise exempted by LGC Section 245.004 or its successor statute. A Project will expire in five (5) years from the date the first Permit application was filed for the Project with the City if progress, as defined in LGC Section 245.005 or its successor statute, has not been made towards completion of the Project. An expired Project is considered dormant, vested rights lapse, and the Project must comply with current ordinances and requirements.

(i) Plat Applications

Vested rights under LGC Chapter 245 will be recognized for the Project that is the subject of a completed application for a plat that has been filed with the City, provided all necessary fees have been paid.

(ii) Plats

Vested rights under LGC Chapter 245 will be recognized for a Project associated with the property which is the subject of a plat that has been approved by the City Council or Official for the City provided that fair notice is provided with the plat application in accordance with LGC Chapter 245.

(iii) Other Permits

For the purposes of determining whether any vested rights exist, any other Permit for which an expiration date is not specifically set forth in this Code of Ordinances or in other applicable law shall expire two (2) years after the date the application for the Permit was filed with the City if progress, as defined in LGC Section 245.005, has not been made towards completion of the Project.



AGENDA ITEM:	CUP-23-008 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	May 31, 2023
MEETING DATE:	August 10, 2023 (P&Z) / August 17, 2023 (City Council)

REPORT

ITEM

The applicants, Ron & Julie Bauer, have requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 270 Sierra Loma, Wimberley. The property is 5 acres and zoned residential acreage. It is within a gated community. It has one two-story four-bedroom home. The applicants request a maximum occupancy of 6 guests. It is on a septic system that is adequate for the request.

PROPERTY INFORMATION

Property Description

Applicant(s):	Ron & Julie Bauer
Property Address:	270 Sierra Loma
Property Owner:	Ron & Julie Bauer
Legal Description:	Hilltop Place Sec 1, Lot 43
Property Size:	5 acres
Existing Use of Property:	Residence
Existing Zoning:	RA
Shared Infrastructure	Entry Gate
Request:	Vacation Rental (STR2)
Planning Area:	I
Overlay District:	None

Surrounding Property:

Frontage:	Sierra Loma
------------------	-------------

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	RA	Residential
	South of Property	RA	Residential

East of Property
West of Property

RA
RA

Residential/STR CUP
Residential

COMMENTS

Staff has received one letter of opposition from an adjacent neighbor constituting 30% of surrounding land area within 200ft. **This will require a supermajority vote from City Council to be approved.**

RECOMMENDATION

Planning and Zoning voted unanimously to recommend approval of this Conditional Use Permit.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): July 21st, 2023
Published Legal Notice (Wimberley View): July 27th, 2023

ATTACHMENT/S

- Application
- Zoning Map
- Letter of Opposition



Conditional Use Permit
Planning & Development

RECEIVED MAY 31 2023

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: RONALD & JULIE BAUER

Mailing Address: 223 AUTUMN OAK City: NEW BRAUNFELS State: TX Zip: 78132

Phone: _____ Email: _____

OWNER'S INFORMATION

Property Owner: RONALD & JULIE BAUER

Mailing Address: 223 AUTUMN OAK City: NEW BRAUNFELS State: TX Zip: 78132

Phone: _____ Email: _____

PROJECT SITE ADDRESS: 270 SIERRA LOMA WIMBERLEY TX 78676

Legal description: HILTOP PLACE SEC 1, LOT 43

Total Acreage or Square Footage: 5.00 ACRES Deed recorded in: 2022

Hays CAD Parcel ID R- 71052 Planning Area: _____ Zoning: _____

Is property located in an overlay district? ☐ Yes ☐ No If Yes, type: _____

SPECIFIC CONDITIONAL USE REQUEST: VACATION RENTAL

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

Electric Provider: PEC

Water provider or Private Well

Wastewater Service or Septic Permit No. UNKNOWN

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☒ Metes and bounds description and/or survey exhibit
- ☒ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- ☒ Copy of the Original Deed(s)
- ☒ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
- ☒ Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses and does not adversely affect an adjoining site than would a permitted use.
- The use requested by the applicant is set forth as a conditional use in the base district.
- The nature of the use is reasonable.
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area.
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base districts are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature: _____



Date: _____

5-8-2023

Forms & Applications October 2021 2

ADDITIONAL QUESTIONS AND LIST OF CONDITIONS THAT MAY BE INCLUDED IN A BED AND BREAKFAST/VACATION RENTAL CUP

OWNER: RON & JULIE BAUER

LOCATION OF PROPERTY: 270 SIERRA LOMA WIMBERLEY TX 78676

LEGAL DESCRIPTION: HILLTOP PLACE SEC 1, LOT 43

PLANNING AREA: _____ PRESENT ZONING: R

EXISTING USE: SINGLE FAMILY - LISTED FOR SALE

HOMEOWNERS ASSOCIATION CONTACT INFO: hilltopplaceho2.com

SHARED FACILITIES (RIVER PARK, POOL, ETC.): —

PROPERTY IN FLOODPLAIN? ☐ YES ☒ NO

GATED COMMUNITY OR PRIVATE STREET? ☒ YES ☐ NO

USE TO BE GRANTED: _____ Bed & Breakfast OR ☒ Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules, and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will always be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. 4 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audibles from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single-family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 4 PROPOSED MAXIMUM OCCUPANCY: 6 guests.

Forms & Applications October 2021 3

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will always be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the NA River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

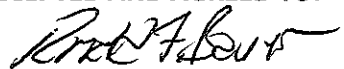
PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not, owner occupied) Owner agrees to always retain under contract a responsible local management company the property is used as a non-owner-occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive, and pass on to owner any complaints received and at owner's direction act upon such complaints. (If owner occupied) The property shall be the owner's principal place of residence and the owner shall actively always supervise and manage the property that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be always maintained in good condition.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the Planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules, and regulations.

ACCEPTED AND AGREED TO:


OWNER SIGNATURE

RON BAUER
PRINT NAME

5-8-23
DATE

OWNER SIGNATURE

JULIE BAUER
PRINT NAME

5-8-23
DATE

EUGENE PRICHALSKI SURVEY SECTION NO. 39 - ABSTRACT NO. 374

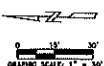
LOT 43
HOGAN & JAMES WILSON (DOC. NO. 1109777)

LOT 43
HOGAN & JAMES WILSON (DOC. NO. 1109777)

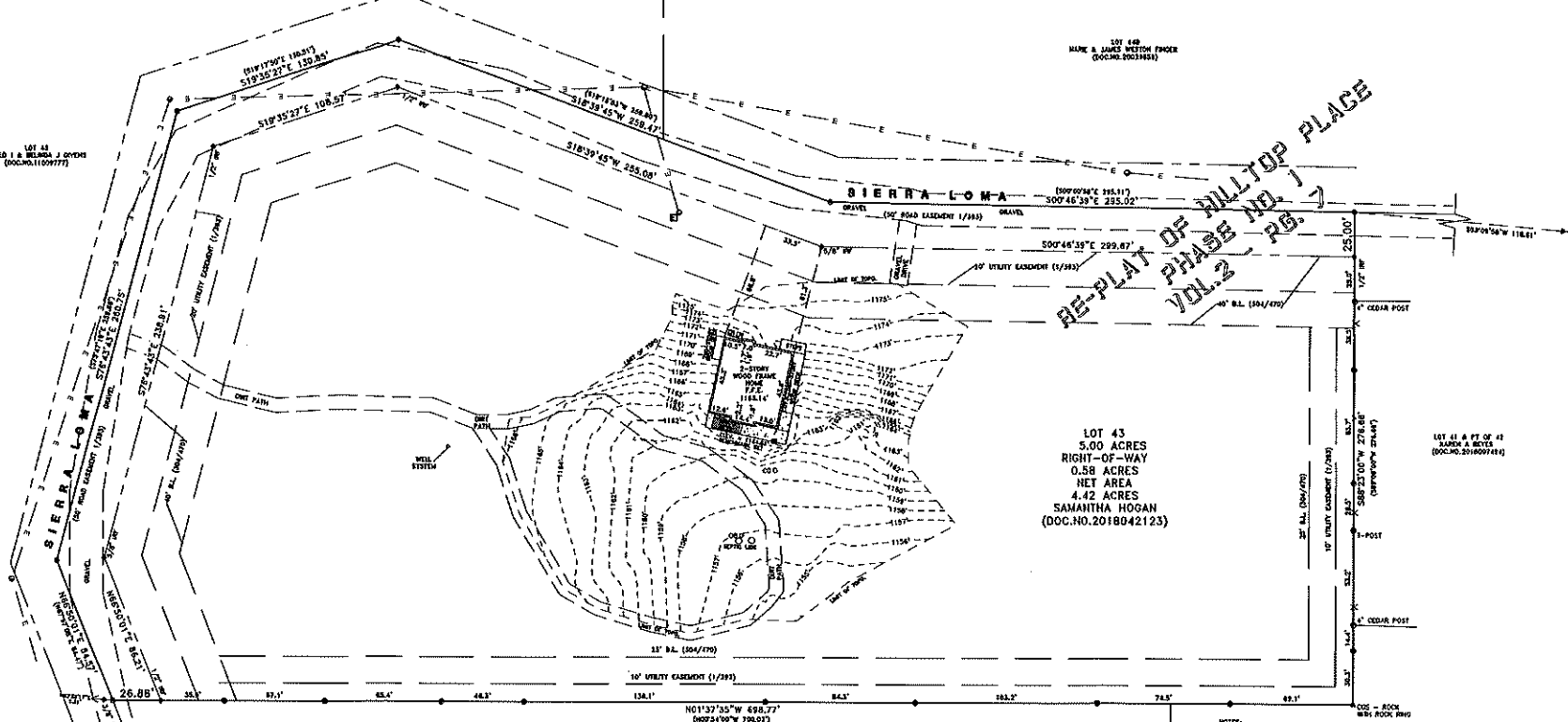
RE-PLAT OF HILLTOP PLACE
PHASE NO. 1
VOL. 2 - PG. 7

LOT 43
5.00 ACRES
RIGHT-OF-WAY
0.58 ACRES
NET AREA
4.42 ACRES
SAMANTHA HOGAN
(DOC. NO. 2018042123)

LOT 43 & PT. OF 43
HOGAN & JAMES WILSON (DOC. NO. 1109777)



- LEGEND**
- ROH PIPE FOUND
 - ROH ROD FOUND
 - ROH ROD SET
 - CAPPED "HOLE 5647"
 - x "X" IN CONCRETE
 - A COTTON COT SPRINKLER SET
 - CALCULATED POINT
 - SITE MONUMENT
 - VA FENCE
 - VA FENCE
 - WATER VALVE
 - GAS VALVE
 - GAS VALVE
 - POWER POLE
 - OVERHEAD ELECTRIC LINE
 - POWER POLE
 - ELECTRIC METER
 - LOTS POLE
 - WOOD FENCE
 - CHAIN LINK FENCE
 - WIRE FENCE
 - METAL FENCE
 - GAS METER
 - TELEPHONE PNEUMATIC
 - CABLE PNEUMATIC
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - ELECTRIC GROUND
 - POINT ON LINE - H&H
 - UNDERGROUND UTILITY MARKER SIGN
 - UNDERGROUND UTILITY TEST STATION
 - SIGN POST
 - ELECTRIC TRANSFORMER
 - TRAFFIC SIGNAL BOX
 - PUBLIC UTILITY EASEMENT
 - E. E. EASEMENT
 - BOUNDARY LINE
 - RECORD DATE
 - A/C UNIT
 - OFFICIAL PUBLIC RECORDS
 - HAYS COUNTY RECORDS



- NOTES**
- 1) THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CONVEYANCE FOR TITLE, AND MAY BE SUBJECT TO ANY RECORDED EASEMENTS, RESTRICTIONS, COVENANTS, AND RIGHT-OF-WAYS NOT SHOWN HEREON.
 - 2) HILLTOP PLACE RESTRICTIVE COVENANTS RECORDED IN VOLUME 304, PAGE 478, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.
 - 3) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480000000, DATED 08/01/2008, THIS LOT IS LOCATED IN FIRM "2" (MODERATE), WHICH IS AN AREA OUTSIDE THE FIRM DESIGNATED 100-YEAR FLOODPLAIN.
 - 4) BEARING BASES DERIVED BY GPS MEASUREMENTS ADAPTED BY H&H (OWN ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES & TIGER (HORIZONTAL) & NAVD83 (VERTICAL).
 - 5) REFERENCE MONUMENTS SAN MARCOS RPS NO. 1 DESCRIPTION: ALUMINUM DISE SET IN CONCRETE ELEVATION: 807.8' NAVD83 (VERTICAL).

BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY OF:
LOT 43, RE-PLAT OF HILLTOP PLACE PHASE NO. 1, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 7 OF THE MAP OR PLAT RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE EUGENE PRICHALSKI SURVEY, SECTION NO. 39 - ABSTRACT NO. 374, HAYS COUNTY, TEXAS, SAME BEING CONVEYED BY DEED DATED NOVEMBER 30, 2018 TO SAMANTHA HOGAN AND RECORDED IN DOCUMENT NO. 18042123, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.

I, RICHARD H. TATUM, DO HEREBY CERTIFY THAT THIS PLAT OF THE RESPLETS SHOWN HEREON WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING 2023, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC RIGHT OF WAY.



Richard H. Tatum
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 3688 STATE OF TEXAS
CLASH & ASSOCIATES, L.L.C.

04/21/2023

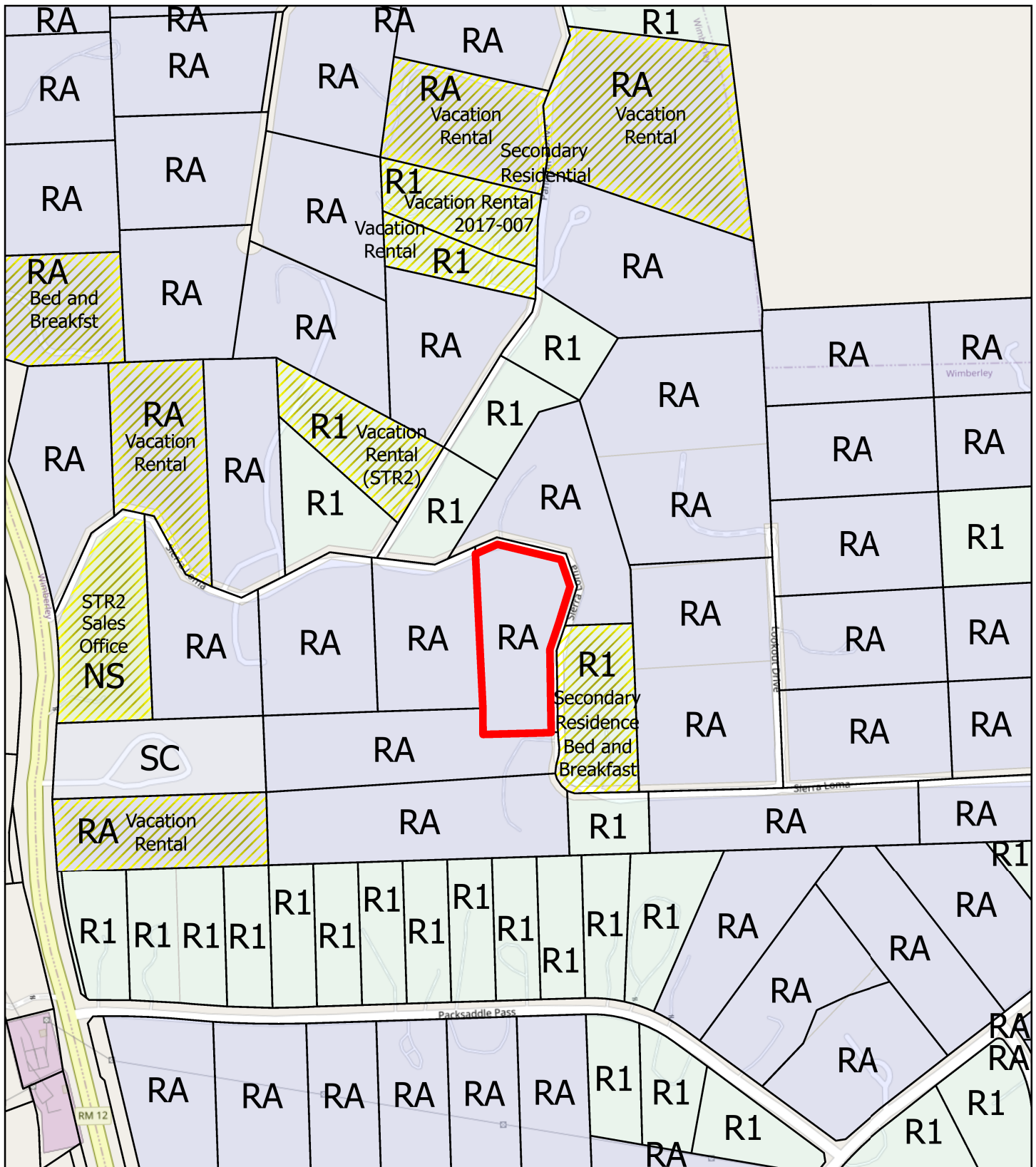
REVISIONS	DATE	BY	DESCRIPTION
1			

ASH & ASSOCIATES
143 JACKSON LANE
SAN MARCOS, TEXAS 78068
TEL: 210-291-1111
FAX: 210-291-1112
WWW.ASH-SURVEYING.COM

DRAWING INFORMATION	
DATE	04/21/2023
PROJECT NO.	2018-0421
SHEET NO.	1
FILE NAME	LOT 43
SCALE	1" = 30'

BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY
LOT 43 - 5.00 ACRES
HILLTOP PLACE - SECTION NO. 1
VOL. 2 - PG. 393
CITY OF WIMBERLEY
HAYS COUNTY, TEXAS

DRAWING
LOT 43
SHEET: 1
OF 1



CUP-23-008

Legend

 270 Sierra Loma

 CUP

© OpenStreetMap (and) contributors, CC-BY-SA, Esri, NASA, NGA, USGS, FEMA, City of Austin, City of Wimberley, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDA

2023

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

N



0 300 600 Feet

Nathaniel Glaiser

From: Belinda Givens <[REDACTED]>
Sent: Wednesday, July 12, 2023 12:18 PM
To: Nathaniel Glaiser
Subject: File No. CUP-23-008

Nathan,

My husband and I will be unable to attend the public hearing scheduled on Thursday, July 13, 2023 or Thursday, July 20, 2023 regarding the Bauer request for Conditional Use Permit. I would like to notify all who attend that my family is opposed to granting the request for the permit. Our subdivision is populated with single family homes and I would suggest that if the Bauer family is interested in operating a bed and breakfast type business they should consider locating to other properties which allow operation of this type of business.

My family purchased our property with the knowledge that the area was established as a single family residential area and would like to continue to enjoy living in the area without the noise, traffic, or inconvenience of having a business located next door.

Thank you for your consideration in this matter,
Belinda and Ron Givens
245 Sierra Loma
Wimberley, TX 78676

--

Belinda Givens

ORDINANCE NO. 2023-19

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A VACATION RENTAL (STR2) AT 270 SIERRA LOMA, WIMBERLEY, TX; PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Ronald and Julie Bauer (“Applicant”) to allow for operation of a vacation rental at 270 Sierra Loma, Wimberley, Texas; and

WHEREAS, this request is consistent with other properties located within areas Residential Acreage (RA); and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the requested use of the subject property is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE 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.

ARTICLE II. APPROVAL - TERMS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Ronald and Julie Bauer (“Applicant”) on real property located at 270 Sierra Loma, Wimberley, Texas, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Residential Acreage (RA), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

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.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. 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 as required 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 20th day of July 2023 by a vote of ____ (Ayes) and ____ (Nays) and ____ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	ZA-23-003 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	June 10, 2023
MEETING DATE:	August 10, 2023 (P&Z) / August 17, 2023 (City Council)

REPORT

ITEM

The applicant, Willis Rothelle (owner: Joyce Webb Tate), has requested a zoning amendment to change the zoning from Commercial Low Impact C-1 to Commercial High Impact C-3 for property located at 14000 Ranch Road 12, Wimberley. The property is .76 acres and is the location of Ceremony on the square. It is on Cypress Creek near the Cypress Creek bridge and has floodplain on the property. It is on City Sewer. It is in planning area V which is defined as “the primary location for high impact community and regional services.” The applicant does not have any proposed use for the property but wishes to open up opportunities for future tenants.

Commercial Low Impact 1 is defined as:

“The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, freestanding retail structures, and personal service establishments.”

Commercial High Impact 3 is defined as:

“The C-3, commercial 3 district is established to provide areas for more intense and concentrated shopping and service facilities for the retail sales of goods and services. These shopping areas shall utilize established landscape and buffering requirements. The C-3 district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.”

PROPERTY INFORMATION

Property Description

Applicant(s):	Willis Rothelle
Property Address:	14000 Ranch Road 12
Property Owner:	Joyce Webb Tate
Legal Description:	Amasa Turner Survey A0461
Property Size:	.76 acres

Existing Use of Property: Retail
Existing Zoning: C1
Shared Infrastructure None
Request: C3
Planning Area: V
Overlay District: City Center, Protected Waterway

Surrounding Property:

Frontage: Ranch Road 12

		Current Zoning:	Existing Land Use:
	North of Property	L1	Lodging
Surrounding Zoning & Land Use	South of Property	C1/C3	Commercial
	East of Property	C3	Commercial
	West of Property	PR2	Commercial

COMMENTS

Staff has not received any comments from citizens.

RECOMMENDATION

Planning and Zoning Commission voted unanimously to recommend approval of this zoning change.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): July 21st, 2023
Published Legal Notice (Wimberley View): July 27th, 2023

ATTACHMENT/S

- Application
- Zoning Map
- Code of Ordinances C1 & C3



CITY OF WIMBERLEY

Commercial Zoning Application

Planning & Development

Non-Residential, Multi-Family, or Mobile Home Development

FOR OFFICE USE ONLY

Application Date: 6-6-2023 File No.: _____ Fees: \$ _____ Paid: _____
Tentative P&Z Hearing: _____ Tentative City Council Hearing: _____
Planning Area: _____ Zoning Requested: _____ City Initiated: ☐ Yes ☐ No

PROPERTY INFORMATION

STREET ADDRESS OF PROPERTY TO BE ZONED: 14000 RR12, Wimberley, Texas

*New Street Addresses can be obtained by calling (512) 393-2160 HAYS COUNTY CAD PROPERTY ID #: R 18424

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: From city hall turn left on RR12

the property will be on your right, between Chills on the creek and Society.

NOTE: Please clearly mark your property so it is easily identifiable.

TOTAL AREA TO BE ZONED: ACRES 0.76 acre (OR) SQ. FT. _____ TOTAL NO. of TRACTS: 1

PLANNING AREAS: V REQUESTED ZONING CLASSIFICATION: C3

PROPOSED USE: _____

EXISTING ZONING CLASSIFICATION(s) AND USES (if applicable): C2

OWNER'S INFORMATION

Owner's Name: Joyce Webb Tate Phone No.: [REDACTED]

Mailing Address: 148 Champion Circle Wimberley Tx.

Email Address: _____

REPRESENTATIVE'S INFORMATION

Representative Name: Willis Rothelle Phone No.: [REDACTED]

Mailing Address: 14000 RR12 Wimberley Tx 78676

Email Address: [REDACTED]

Name of Real Estate Company Involved: _____

LEGAL DESCRIPTION

Street Address: 14000 RR12 Subdivision: Amasa Turner

Block(s) _____ Lot(s) _____ Plat Book: _____ Page Number: _____

DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: 992 PAGE: 72 OF COUNTY PLAT RECORDS

Forms & Applications October 2021

OTHER PROVISIONSIs Property in an Overlay District? ☒ Yes ☐ No ☐ UnknownTYPE OF OVERLAY ZONE(S) (if applicable) City CenterFLOOD PLAIN (What, if any, flood zone does your property occupy?): ZONE AEELECTRIC UTILITY PROVIDER: P.E.C.WATER UTILITY PROVIDER: Wimberley Water supplyWASTEWATER UTILITY PROVIDER: City of Wimberley

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

SITE INSPECTION AUTHORIZATION

Applicant, Owner, or Applicant's authorized agent hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 6-6-2023 APPLICANT SIGNATURE Joyce Webb

WHEN APPLICABLE:

Date: 6-6-2023 AGENT SIGNATURE Will R. H. H.**ACKNOWLEDGMENT OF EXISTING**Subdivision Plat Notes, Deed Restrictions Restrictive Covenants and/or
Zoning Conditional Use Permits

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at 4400 RR 17, Wimberley TX, and more particularly known as Lot _____, Block _____ of the _____ Subdivision.

If a conflict should result with the request, I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: _____ APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: 6-6-2023 AGENT SIGNATURE Will R. H. H.

Forms & Applications October 2021

BEGINNING at an iron stake set on the Northwest line of the Wimberley Town Square for the most Southerly corner of that tract of land conveyed to Ed and Clara Leslie by Charles Oldham and wife by deed dated October 24, 1964, and recorded in Vol. 203, Page 72, Hays County Deed Records, for the East corner of the tract hereby conveyed;

THENCE with the Northwest line of the Wimberley Town Square, S. 66° 04' W., 99.72 feet to an iron stake set for the most Southerly corner of the tract hereby conveyed; and from which corner the most Easterly corner of that tract of 0.91 acres of land conveyed to Parks Johnson by Mrs. Margaret R. Barret, et al, by deed dated August 24, 1944, and recorded in Vol. 130, Page 539, Hays County Deed Records, bears S. 66° 04' W., 12.12 feet;

THENCE leaving the Wimberley Town Square, N. 31° 19' W., at 275.58 feet passing an iron stake set on creek bank, and continuing on in all 285.20 feet to a point in the centerline of Cypress Creek for the West corner of the tract hereby conveyed;

THENCE with the centerline of Cypress Creek, N. 70° 51' E., 143.11 feet to a point for the most Northerly corner of the tract hereby conveyed;

THENCE leaving Cypress Creek, S. 22° 38' E., at 11.10 feet passing an iron stake set on creek bank, and continuing on in all 271.00 feet to the place of beginning, and being that identical real property heretofore described in and conveyed by a deed dated August 17, 1966, now of record in Vol. 214, Page 443, Hays County Deed Records, wherein Parks Johnson, et ux., were grantors and Guy S. Durson, et ux., were grantors.

COUNTY CLERK

MAY 12 1993

FILED
HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

I hereby certify that this instrument was FILED on the 12th day of May 1993 at the County Clerk's Office, in the Volume and Page of the Hays County Deed Records, as stamped hereon by me.

EXHIBIT A

MAY 12 1993



Dani D. Daulton
COUNTY CLERK
HAYS COUNTY, TEXAS

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING THE ZONING FOR PROPERTY LOCATED AT 14000 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, FROM COMMERCIAL - LOW IMPACT (C-1) TO COMMERCIAL - HIGH IMPACT (C-3).

WHEREAS, Chapter 211 of Vernon's Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment, and

WHEREAS, the regulations established by the Wimberley Code of Ordinances Article 9.03 (Zoning), as amended, (the "Code") are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and;

WHEREAS, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

WHEREAS, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning property located at 14000 Ranch Road 12, in Wimberley, Hays County, Texas, described by survey in Exhibit "A", attached and incorporated by reference, from Commercial - Low Impact (C-1) to Commercial-High Impact (C-3).

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

ARTICLE 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.

ARTICLE II. REZONING

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning 14000 Ranch Road 12, in Wimberley, Hays County, Texas, described by survey in Exhibit “A”, from Commercial – Low Impact (C-1) to Commercial-High Impact (C-3) zoning classification.

ARTICLE IV. REPEALER

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.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. 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 as required 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 18th day of August 2023 by a vote of ____ (Ayes) and ____ (Nays) and ____ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	CUP-23-009 – Office, Retail, Repair services
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	June 6, 2023
MEETING DATE:	August 10, 2023 (P&Z) / August 17, 2023 (City Council)

REPORT

ITEM

The applicant, Huband Ranch Services LLC (Rodney Huband), has requested a Conditional Use Permit to allow for the following three uses for a property located at 151 Las Flores, Wimberley.

Administrative and professional office. Offices of firms or organizations providing professional and executive management or administrative services. Typical uses include advertising agencies, law offices, real estate offices, architectural and engineering offices, financial institutions, and corporate offices.

Repair services: consumer. Establishments primarily engaged in the provision of repair services to individuals and households rather than to firms. Typical uses include appliance repair, apparel repair, musical instrument repair, electrical repair, shoe repair, plumbing repair, and jewelry repair shops.

Retail sales and services: limited. Establishments engaged in the sale or rental of commonly used retail goods and services, and serving primarily neighborhood or localized population centers, not including the sale of beer, wine, or alcoholic beverages for on- or off-premises consumption.

The property is 6.43 acres and zoned Neighborhood Services on Aqua Texas sewer. All commercial uses within Neighborhood Services require a conditional use permit. Multiple buildings currently exist on the property with multiple businesses that fall within the categories requested. These buildings and uses have existed since before the city was incorporated and are considered non-conforming uses (grandfathered).

The owner would like to construct five additional buildings and extend the non-conforming uses to those buildings. Existing businesses included:

1. Wiley Water Well - Home Well Service
2. Wimberley Automotive - Automotive Service
3. M&D Painting - Home Painting Service
4. Crowder Plumbing - Home Plumbing Service
5. GWH Flooring - Home Flooring Service and Showroom
6. Holcomb Woodworking- Home Cabinet Service

7. Olson Electrical - Home Electrical Service
8. Denny McCoy- Woodworking (mantles) - Home Service
9. Blue Willow- Storage for Square Store Retail
10. Redhead Auto / Napa - Parts storage for main store Retail
11. Iron Works BBQ- Storage for Main Retail
12. Escape Spa - Massage

PROPERTY INFORMATION

Property Description

Applicant(s):	Huband Ranch Services
Property Address:	151 Las Flores
Property Owner:	Huband Ranch Services
Legal Description:	Lots 1 and 2, Las Flores Business Park
Property Size:	6.43 acres
Existing Use of Property:	Administrative offices, Repair services, Retail sales and services
Existing Zoning:	NS
Shared Infrastructure	None
Request:	Administrative and professional offices, Repair Services: consumer, Retail sales and services
Planning Area:	II
Overlay District:	None

Surrounding Property:

Frontage:	Las Flores, La Buena Vista		
Surrounding Zoning & Land Use	North of Property	Current Zoning: NS	Existing Land Use: School, Commercial
	South of Property	C1, R2	Commercial, Residential
	East of Property	R2	Residential
	West of Property	C1, NS	Commercial

COMMENTS

Staff has not received any comments from neighbors.

RECOMMENDATION

Planning and Zoning voted (5-0-1) to recommend denial of this application and to recommend that

a traffic study be conducted in this area. After hearing opposition from neighbors that cited traffic, drainage, and noise concerns; the Commissioner's felt that the uses requested were not appropriate in this residential neighborhood.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): July 21st, 2023
Published Legal Notice (Wimberley View): July 27th, 2023

ATTACHMENT/S

- Application
- Zoning Map



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Huband Ranch Services, LLC (Rodney Huband)

Mailing Address: 15520 RR 12 City: Woodcreek State: TX Zip: 78676

Phone: Email:

OWNER'S INFORMATION

Property Owner: Same as Applicant

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PROJECT SITE ADDRESS: 619 La Buena Vista Drive, Wimberley, Texas 78676

Legal description: LOTS 1 AND 2 LAS FLORES BUSINESS PARK VOL.8 PG.25 PLAT RECORDS, HAYS COUNTY, TX

Total Acreage or Square Footage: 6.43 AC Deed recorded in: Hays

Hays CAD Parcel ID R- 88302 Planning Area: _____ Zoning: NS

Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____

SPECIFIC CONDITIONAL USE REQUEST: Administrative Offices, Retail Services: Limited, Repair Services: Consumer

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

Electric Provider: Pedernales

Water provider or Private Well: Wimberley Water

Wastewater Service or Septic Permit No. Aqua Texas

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☒ Metes and bounds description and/or survey exhibit
- ☒ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- ☒ Copy of the Original Deed(s)
- ☐ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
- ☒ Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses and does not adversely affect an adjoining site than would a permitted use.
- The use requested by the applicant is set forth as a conditional use in the base district.
- The nature of the use is reasonable.
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area.
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base districts are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature: _____

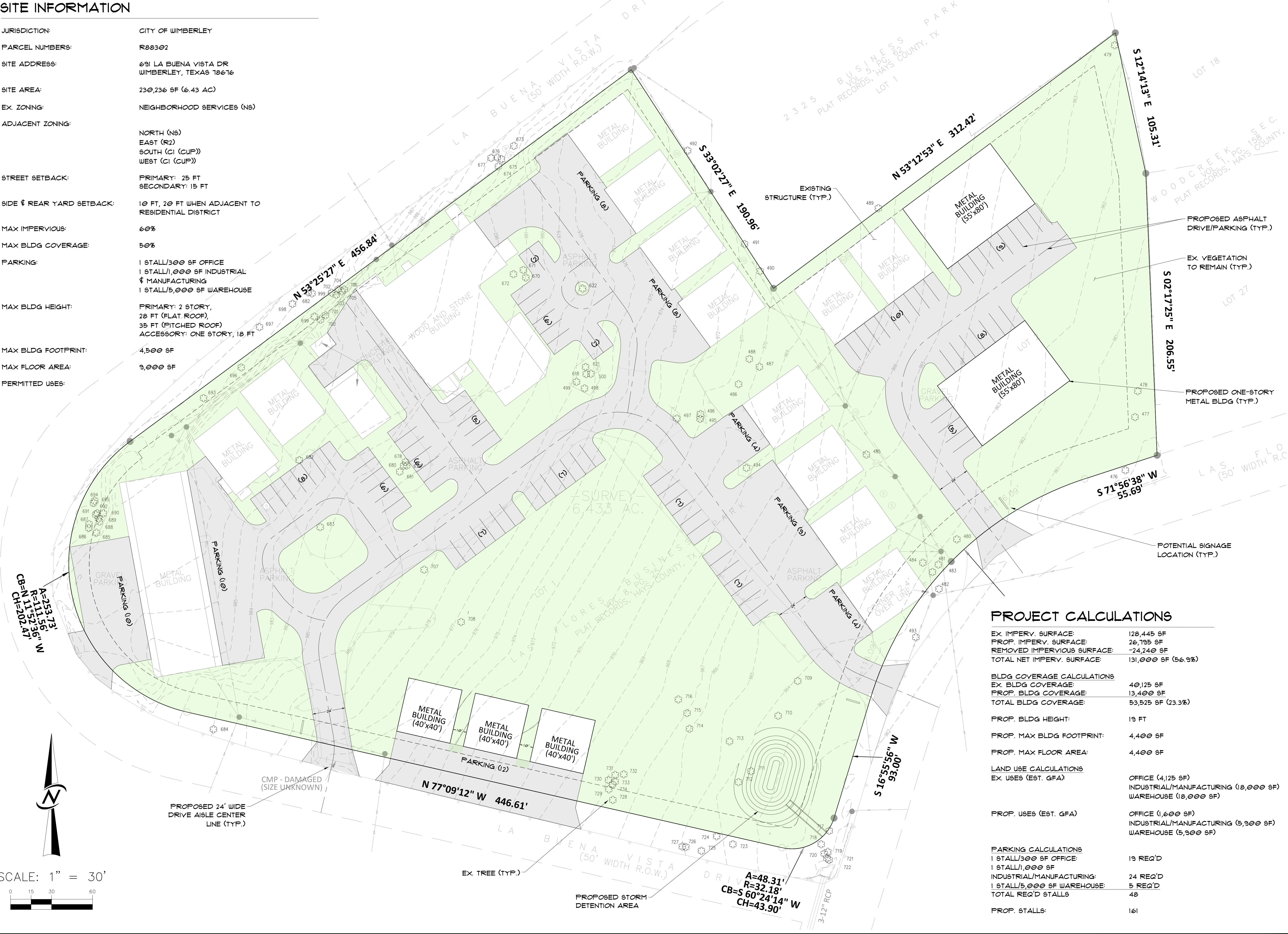


Date: 6/7/23

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SITE INFORMATION

JURISDICTION: CITY OF WIMBERLEY
PARCEL NUMBERS: R22202
SITE ADDRESS: 631 LA BUENA VISTA DR
WIMBERLEY, TEXAS 78616
SITE AREA: 230,236 SF (6.43 AC)
EX. ZONING: NEIGHBORHOOD SERVICES (NS)
ADJACENT ZONING: NORTH (NS)
EAST (R2)
SOUTH (C1 (CUP))
WEST (C1 (CUP))
STREET SETBACK: PRIMARY: 25 FT
SECONDARY: 15 FT
SIDE & REAR YARD SETBACK: 10 FT, 20 FT WHEN ADJACENT TO
RESIDENTIAL DISTRICT
MAX IMPERVIOUS: 60%
MAX BLDG COVERAGE: 50%
PARKING: 1 STALL/300 SF OFFICE
1 STALL/1,000 SF INDUSTRIAL
& MANUFACTURING
1 STALL/5,000 SF WAREHOUSE
MAX BLDG HEIGHT: PRIMARY: 2 STORY,
28 FT (FLAT ROOF),
35 FT (PITCHED ROOF)
ACCESSORY: ONE STORY, 18 FT
MAX BLDG FOOTPRINT: 4,500 SF
MAX FLOOR AREA: 9,000 SF
PERMITTED USES:



PROJECT CALCULATIONS

EX. IMPERV. SURFACE:	128,445 SF
PROP. IMPERV. SURFACE:	26,195 SF
REMOVED IMPERVIOUS SURFACE:	-24,240 SF
TOTAL NET IMPERV. SURFACE:	131,000 SF (56.9%)
BLDG COVERAGE CALCULATIONS	
EX. BLDG COVERAGE:	40,125 SF
PROP. BLDG COVERAGE:	13,400 SF
TOTAL BLDG COVERAGE:	53,525 SF (23.3%)
PROP. BLDG HEIGHT:	19 FT
PROP. MAX BLDG FOOTPRINT:	4,400 SF
PROP. MAX FLOOR AREA:	4,400 SF
LAND USE CALCULATIONS	
EX. USES (EST. GFA):	OFFICE (4,125 SF) INDUSTRIAL/MANUFACTURING (18,000 SF) WAREHOUSE (18,000 SF)
PROP. USES (EST. GFA):	OFFICE (1,600 SF) INDUSTRIAL/MANUFACTURING (5,900 SF) WAREHOUSE (5,900 SF)
PARKING CALCULATIONS	
1 STALL/300 SF OFFICE:	19 REQ'D
1 STALL/1,000 SF	
INDUSTRIAL/MANUFACTURING:	24 REQ'D
1 STALL/5,000 SF WAREHOUSE:	5 REQ'D
TOTAL REQ'D STALLS	48
PROP. STALLS:	161

DATE: 3/30/2023
DESIGNED: CHRIS WALL, P.E.
DRAWN: DAVID VAUGHN
APPROVED: FLOR CANAHUATI, P.E.
PROJECT MANAGER: JOSHUA P. BEARD, P.L.A.

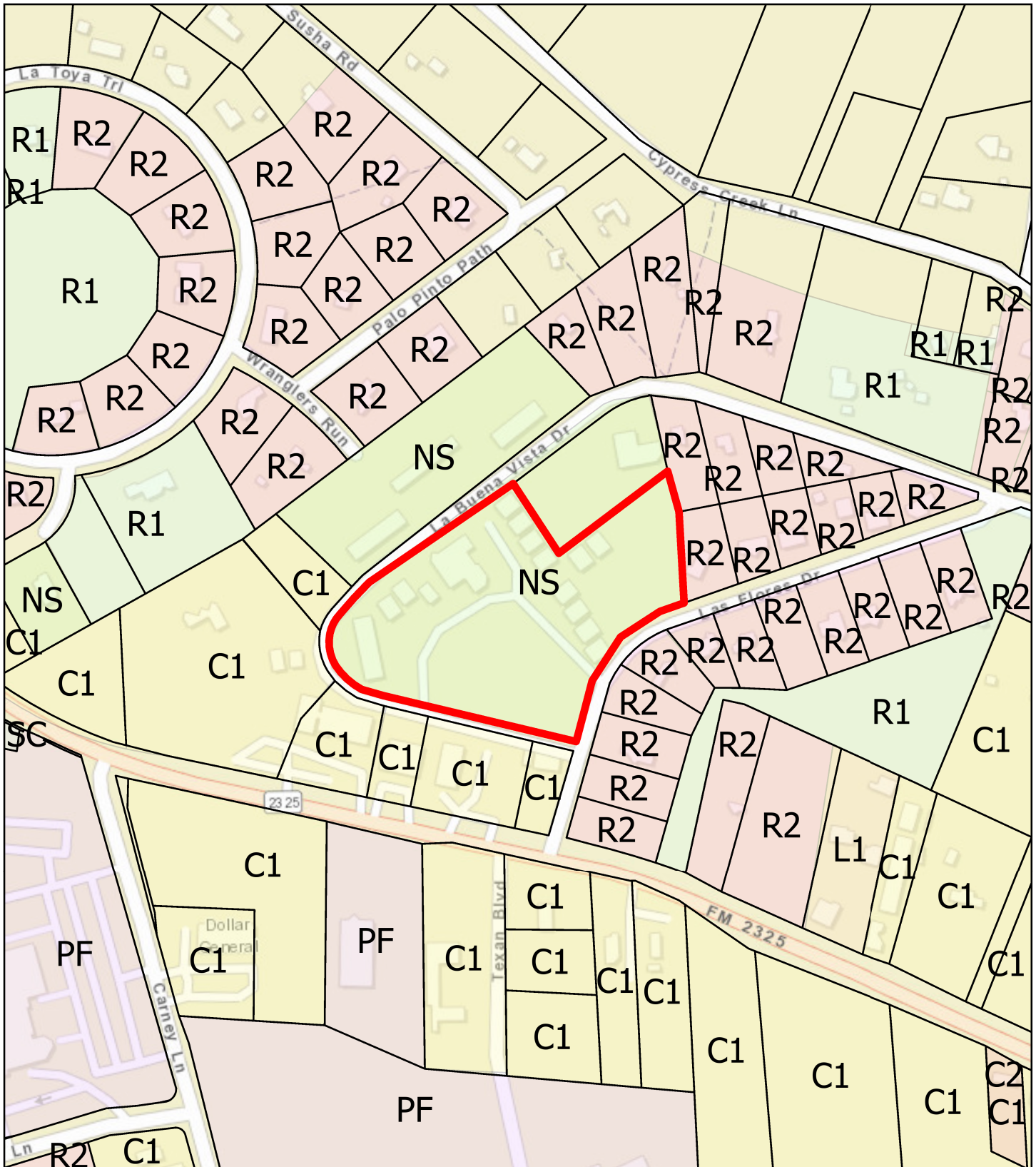
REVISIONS:

NO.	DESCRIPTION

DATE: 3/30/2023
PROJECT NUMBER: 23043

SITE PLAN
LAS FLORES BUSINESS PARK
HUBAND RANCH SERVICES, LLC

150 Indian Grass Cove
Austin, Texas 78737
737.204.9825
LANDSCAPE ARCHITECTURE • PLANNING • ENGINEERING



CUP-23-009

City of Austin, City of Wimberley, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

2023

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



0 200 400 Feet

Nathaniel Glaiser

From: Sharon Uhlaender [REDACTED]
Sent: Wednesday, August 9, 2023 4:52 PM
To: Nathaniel Glaiser
Subject: File No. CUP-23-009

We have been a homeowner at 18 Las Flores for 35 years. We are **OPPOSED** to the requested Conditional Use permit 151 Las Flores. There are many reasons why this industrial park does not need to be placed in this residential neighborhood.

Trucks are using this street even though street signs are posted. The traffic during school times and market days are unreal as drivers are using this as a cut through street.

The buildings across the street driveway causes water to run directly into our garage and front door when Heavy rains appear. When this buildings where placed without our knowledge the owner Bud Mince promised a drain and fences. None of this happened. According to Texas Water code Section 11.086 landowners are responsible for damages to neighboring property due to diversion of surface water.

We do not want added traffic, people in this neighborhood . Students are walking to and from school and Neighbors aren't safe now to walk their dogs and bike ride. Has a traffic count been done in this area?

Please help keep our neighborhood safe and deny this permit.

Sincerely,

Sharon Uhlaender
Mickey Uhlaender

ORDINANCE NO. 2023-21

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE FOLLOWING USES AT 151 LAS FLORES, WIMBERLEY TEXAS: ADMINISTRATIVE AND PROFESSIONAL OFFICES, REPAIR SERVICES: CONSUMER, AND RETAIL SALES AND SERVICES: LIMITED; PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Huband Ranch Services LLC (“Applicant”) to allow for the following uses at 151 Las Flores, Wimberley, Texas: Administrative and Professional Offices, Repair Services: Consumer, and Retail Sales and Services: Limited; and

WHEREAS, this request is consistent with other properties located within areas Neighborhood Services (NA); and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the requested use of the subject property is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE 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.

ARTICLE II. APPROVAL - TERMS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Huband Ranch Services LLC (“Applicant”) on real property located at 151 Las Flores, Wimberley, Texas, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Neighborhood Services (NA), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

City of Wimberley, Texas

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.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. 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 as required 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 17th day of August 2023 by a vote of ____ (Ayes) and ____ (Nays) and ____ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney



City of Wimberley, Texas



AGENDA ITEM:	CUP-23-011 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	June 10, 2023
MEETING DATE:	August 10, 2023 (P&Z) / August 17, 2023 (City Council)

REPORT

ITEM

The applicant, Jody Doss, has requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 13300 Ranch Road 12, Wimberley. The property is .229 acres and zoned Commercial Low Impact 1. On the property is a one story two bedroom log cabin. It has been previously used as an office. The applicants are requesting a maximum occupancy of 4 guests. It is on a septic system that is adequate for the request.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jody Doss
Property Address:	13300 Ranch Road 12
Property Owner:	Jody Doss
Legal Description:	Lots 16 & 17 Harrison Resort Subdivision
Property Size:	.229 acres
Existing Use of Property:	Office
Existing Zoning:	C1
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	III
Overlay District:	None

Surrounding Property:

Frontage:	Ranch Road 12
------------------	---------------

Surrounding Zoning & Land Use	Current Zoning:			Existing Land Use:
	North of Property	C2		Commercial
	South of Property	R2		Residential/STR

**East of Property
West of Property**

**R3
C1**

**Residential
Commercial**

COMMENTS

Staff has not received any comments from neighbors.

RECOMMENDATION

Planning and Zoning Commission voted unanimously to recommend approval of this Conditional Use Permit.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): July 21st, 2023
Published Legal Notice (Wimberley View): July 27th, 2023

ATTACHMENT/S

- Application
- Zoning Map



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Jody Doss

Mailing Address: 400 Bluffview Drive City: Wimberley State: Tx Zip: 78676

Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: Jody Doss - same info as above

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PROJECT SITE ADDRESS: 13300 Ranch Road Twelve, Wimberley, TX 78676

Legal description: Lots 16&17 Harrison Resort Subdivision, Hays County

Total Acreage or Square Footage: 1000 sq ft building Deed recorded in: Hays County

Hays CAD Parcel ID R- 29774 Planning Area: _____ Zoning: _____

Is property located in an overlay district? ☐ Yes ☐ No If Yes, type: short term rentals

SPECIFIC CONDITIONAL USE REQUEST: _____

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

Electric Provider: PEC Electric

Water provider or Private Well: Wimberley Water

Wastewater Service or Septic Permit No. _____

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☐ Metes and bounds description and/or survey exhibit
- ☐ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- ☐ Copy of the Original Deed(s)
- ☐ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
- ☐ Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses and does not adversely affect an adjoining site than would a permitted use.
- The use requested by the applicant is set forth as a conditional use in the base district.
- The nature of the use is reasonable.
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area.
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base districts are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature: Jody Doss  Date: 6/20/2023

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ADDITIONAL QUESTIONS AND LIST OF CONDITIONS THAT MAY BE INCLUDED IN A BED AND BREAKFAST/VACATION RENTAL CUP

Jody Doss

OWNER: _____

13300 RR 12, Wimberley

LOCATION OF PROPERTY: _____

Lots 16 and 17, Harrison Resort Subdivision

LEGAL DESCRIPTION: _____

PLANNING AREA: _____ PRESENT ZONING: _____

office building

EXISTING USE: _____

HOMEOWNERS ASSOCIATION CONTACT INFO: _____

SHARED FACILITIES (RIVER PARK, POOL, ETC.): _____

PROPERTY IN FLOODPLAIN? ☐ YES ☐ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO

USE TO BE GRANTED: _____ **Bed & Breakfast** OR _____ **Vacation Rental**

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules, and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will always be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. _____ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audibles from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single-family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 2 PROPOSED MAXIMUM OCCUPANCY: 6 guests.

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OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will always be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the _____ River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not, owner occupied) Owner agrees to always retain under contract a responsible local management company the property is used as a non-owner-occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive, and pass on to owner any complaints received and at owner's direction act upon such complaints. (If owner occupied) The property shall be the owner's principal place of residence and the owner shall actively always supervise and manage the property that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be always maintained in good condition.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the Planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules, and regulations.

ACCEPTED AND AGREED TO:

Jody Doss _____
OWNER SIGNATURE
Michael Doss _____
OWNER SIGNATURE

Jody Doss _____
PRINT NAME
Michael Doss _____
PRINT NAME

6/20/2023 _____
DATE
6/20/2023 _____
DATE

Reference a blanket utility easement
as recorded in Volume 116, Page 557,
Hays County Deed Records.

RANDALL MORRIS
SUBDIVISION

HARRISON RESORT SUBDIVISION

LOT 17

0.2290 Acres

LOT 16

LOT 15

ONE STORY
LOG CABIN

porch

porch

rock patio

rock walk

guy wire

water meter

signs

asphalt parking area

Approximate location of
Special Flood Hazard Area

MALONE
DRIVE

RANCH ROAD 12
width varies

Copyright © 2013 Eagle Land Surveying. All rights reserved.

A small portion (shaded area) of this subject property does lie within a Special Flood Hazard Area
as determined from FIRM Hazard Map, Community Panel No. 480209C0355F, dated September 2, 2005.

LEGAL DESCRIPTION: All of Lot Sixteen (16) and Lot Seventeen (17), HARRISON RESORT
SUBDIVISION, a subdivision in Hays County, Texas, according to the map or plat thereof
recorded in Volume 87, Page 347, Deed Records of Hays County, Texas.

PROPERTY ADDRESS: 13300 RR 12, Wimberley, Texas 78676

CLIENT: Randali Morris & Company, Ltd.

TITLE COMPANY: Independence Title Company
G.F. No.: 1311459-WIM

I hereby certify that this plat represents a survey made upon the ground under my
supervision, on April 25, 2013, and there are no visible or apparent encroachments
upon this property, except as shown hereon.

Clyde Barroso, R.P.L.S. #5404, State of Texas.



**EAGLE
LAND
SURVEYING**

(512) 847-1079

P.O. Box 2264 Wimberley, TX. 78676

Scale:

1" = 20'

Date:

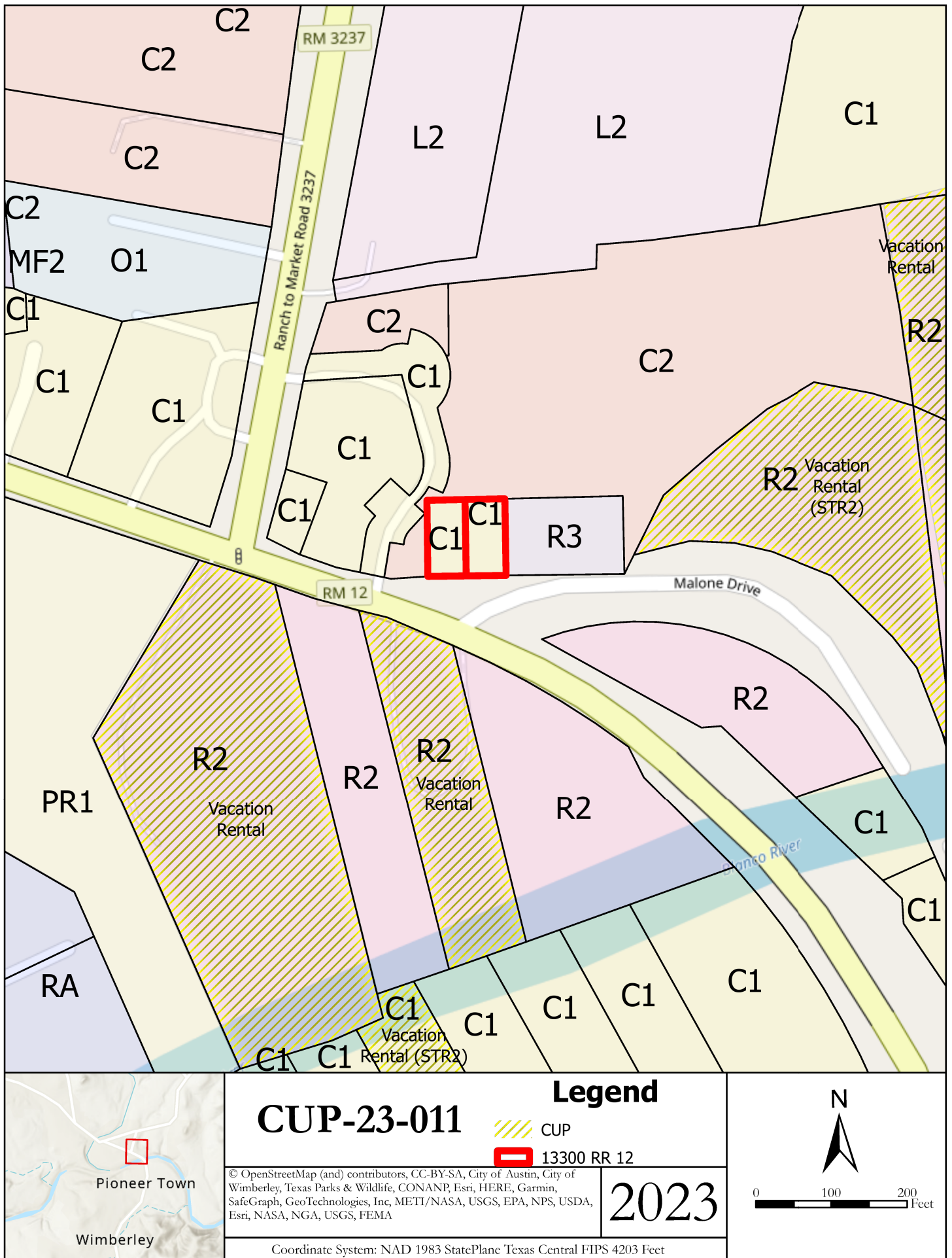
April 25, 2013

Job No.

13-049 cb



16har.zak



ORDINANCE NO. 2023-22

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A VACATION RENTAL (STR2) AT 13300 RANCH ROAD 12, WIMBERLEY, TX; PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Jody Doss (“Applicant”) to allow for operation of a vacation rental at 13300 Ranch Road 12, Wimberley, Texas; and

WHEREAS, this request is consistent with other properties located within areas zoned Commercial Low Impact (C-1); and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the requested use of the subject property is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE 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.

ARTICLE II. APPROVAL - TERMS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Jody Doss (“Applicant”) on real property located at 13300 Ranch Road 12 Wimberley, Texas, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial Low Impact (C-1), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

City of Wimberley, Texas

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.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. 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 as required 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 17th day of August 2023 by a vote of ____ (Ayes) and ____ (Nays) and ____ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	CUP-23-012 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	June 10, 2023
MEETING DATE:	August 10, 2023 (P&Z) / August 17, 2023 (City Council)

REPORT

ITEM

The applicant, Tyler Brewer, has requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 13201 Ranch Road 12, Wimberley. The property is 1.19 acres and zoned Single-family Residential 2. It is on the Blanco River near the RR 12 Blanco River bridge. It has one four-bedroom home. The applicants are requesting a maximum occupancy of 10 guests. It is on a septic system that is adequate for the request.

PROPERTY INFORMATION

Property Description

Applicant(s):	Tyler Brewer
Property Address:	13201 Ranch Road 12
Property Owner:	Tyler Brewer
Legal Description:	Amasa Turner Survey A0461
Property Size:	1.19 acres
Existing Use of Property:	Vacation home
Existing Zoning:	R2
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	III
Overlay District:	Protected Waterway

Surrounding Property:

Frontage:	Ranch Road 12
------------------	---------------

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	C1	Commercial
	South of Property	C1	Commercial

East of Property
West of Property

R2
R2

Residential/STR CUP
Residential/STR CUP

COMMENTS

Staff has not received any comments from neighbors.

RECOMMENDATION

Planning and Zoning Commission voted unanimously to recommend approval of this Conditional Use Permit.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): July 21st, 2023
Published Legal Notice (Wimberley View): July 27th, 2023

ATTACHMENT/S

- Application
- Zoning Map



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Tyler Brewer (Owner)

Mailing Address: 425 S Lahoma Ave City: Norman State: OK Zip: 73069

Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: Fairlawn 13201, LLC

Mailing Address: 425 S Lahoma Ave City: Norman State: OK Zip: 73069

Phone: [REDACTED] Email: [REDACTED]

PROJECT SITE ADDRESS: 13201 Ranch Road 12, Wimberley, TX 78676

Legal description: A0461 AMASA TURNER SURVEY, ACRES 1.19

Total Acreage or Square Footage: 1.19 Deed recorded in: Hays County

Hays CAD Parcel ID R- 18394 Planning Area: II Zoning: R2

Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____

SPECIFIC CONDITIONAL USE REQUEST: STR 2

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

Electric Provider: Pedernales Electric Cooperative, Inc.

Water provider or Private Well: City of Wimberley, TX

Wastewater Service or Septic Permit No. _____

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☒ Metes and bounds description and/or survey exhibit
- ☒ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- ☒ Copy of the Original Deed(s)
- ☐ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
- ☐ Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses and does not adversely affect an adjoining site than would a permitted use.
- The use requested by the applicant is set forth as a conditional use in the base district.
- The nature of the use is reasonable.
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area.
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base districts are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature: _____

Tyl B

Date: 7/6/23

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ADDITIONAL QUESTIONS AND LIST OF CONDITIONS THAT MAY BE INCLUDED IN A BED AND BREAKFAST/VACATION RENTAL CUP

OWNER: Fairlawn 13201, LLC

LOCATION OF PROPERTY: 13201 Ranch Road 12, Wimberley, TX 78676

LEGAL DESCRIPTION: A0461 AMASA TURNER SURVEY, ACRES 1.19

PLANNING AREA: II PRESENT ZONING: R2

EXISTING USE: Residential House

HOMEOWNERS ASSOCIATION CONTACT INFO: N/A

SHARED FACILITIES (RIVER PARK, POOL, ETC.): N/A

PROPERTY IN FLOODPLAIN? ☒ YES ☐ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO

USE TO BE GRANTED: Bed & Breakfast OR Yes Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules, and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will always be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. Yes Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 12 guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audibles from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single-family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 4 (one bunk room) **PROPOSED MAXIMUM OCCUPANCY:** 12 guests.

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OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will always be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the Blanco River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not, owner occupied) Owner agrees to always retain under contract a responsible local management company the property is used as a non-owner-occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive, and pass on to owner any complaints received and at owner's direction act upon such complaints. (If owner occupied) The property shall be the owner's principal place of residence and the owner shall actively always supervise and manage the property that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be always maintained in good condition.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the Planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules, and regulations.

ACCEPTED AND AGREED TO:

Tyler B
OWNER SIGNATURE

Tyler Brewer
PRINT NAME

7/10/23
DATE

OWNER SIGNATURE

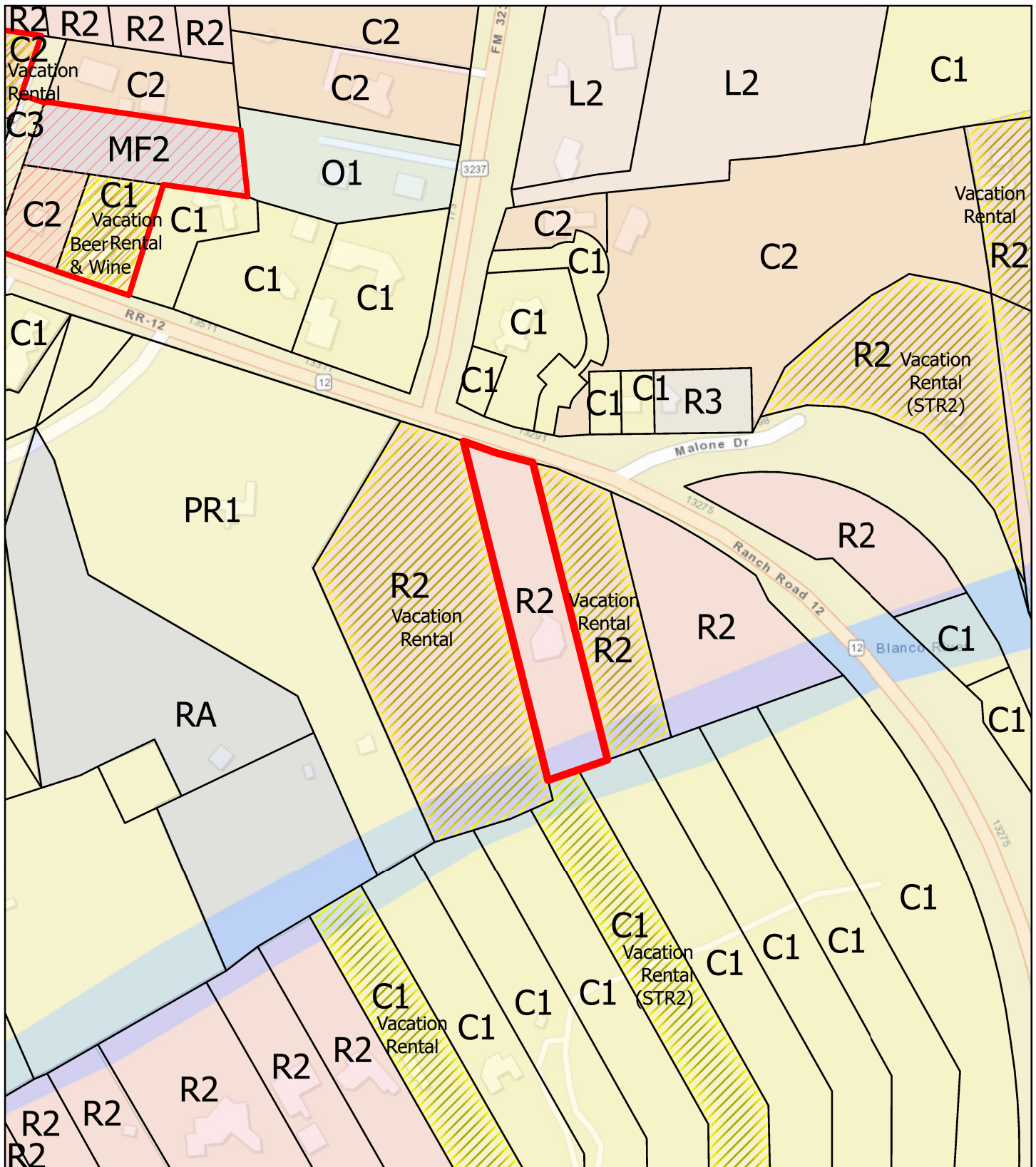
PRINT NAME

DATE

13201 RR 12 STR 2 Site Plan

Legend

- Blanco River Access
- Parking Area
- Public Roadway Access
- Single Rental House - Four BR, Three Bath (2,020 SF) + Two Covered Porches (838 SF)
- Three-Level Terraced Lawn

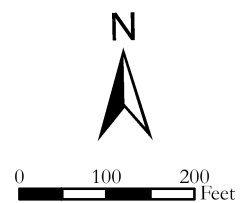


CUP-23-012

City of Austin, City of Wimberley, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

2023

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



ORDINANCE NO. 2023-23

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A VACATION RENTAL (STR2) AT 13201 RANCH ROAD 12, WIMBERLEY, TX; PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Tyler Brewer (“Applicant”) to allow for operation of a vacation rental at 13201 Ranch Road 12, Wimberley, Texas; and

WHEREAS, this request is consistent with other properties located within areas Single-Family Residential 2 (R2); and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the requested use of the subject property is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE 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.

ARTICLE II. APPROVAL - TERMS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Tyler Brewer (“Applicant”) on real property located at 13201 Ranch Road 12, Wimberley, Texas, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R2), Wimberley, Hays County, Texas.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

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.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. 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 as required 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, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 17th day of August 2023 by a vote of ____ (Ayes) and ____ (Nays) and ____ (Abstain).

CITY OF WIMBERLEY

By: _____
Gina Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	7. Hold a Public Hearing and consider action on Ordinance 2023-24, amending Chapter 9, Section 9.02.008, definitions and interpretations of the Wimberley City Code; providing for findings of fact, savings, severability, repealer, and effective date, and proper notice and meeting. (Nathan Glaiser, Director of Planning and Public Works)
SUBMITTED BY:	Nathan Glaiser
DATE SUBMITTED:	07/31/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On June 1, 2023, City Council approved an Ordinance that allows the City to create a historic district within the City, but does not actually create the district. This amendment before you, is simply to change the definition of Historic District to align with the definition of Historic Landmark. This is to remove any confusion as this ordinance only pertains to the City and not the National Register.

Currently, the definition reads:

Historic District. A contiguous or non-contiguous geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City.

The proposed change would add "and is designated by the City pursuant to this Division" at the end of the definition.

The definition of Historic Landmark currently reads as follows:

Any site, building, structure, or landscape of historic significance designated by the City pursuant to this Division.

REQUESTED ACTION

Motion
Discussion
Ordinance

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Ord. 2023-24 Amendment to Sec. 09.02.008 - Defintion of Historic District

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9, SECTION 9.02.008 – DEFINITIONS AND INTERPRETATIONS, OF THE WIMBERLEY CITY CODE; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALERS, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council passed and approved Ordinance No. 2023-11, which amended the regulation of Historic Properties and Districts and created a procedure for the designation of historic landmarks and historic districts; and

WHEREAS, “Section 9.02.008” is hereby to be amended as set forth below; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interests, welfare, and good order of the City as a body politic.

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

1. Section 9.02.008 entitled “Definitions and Interpretations”, of the Codified Ordinances of the City of Wimberley is hereby amended as follows (with a ~~striketrough~~ meaning such languages is deleted and an underlining meaning such language is added):

Adverse Effect. Historic property is present and proposed project as planned will alter or destroy its historic characteristics or integrity.

Architectural Details. Small details like moldings, carved woodwork, etc. that add character to a building.

Alteration. Any act or process that changes one or more historic, architectural, or physical features of an area, site, place, and/or structure including, but not limited to the erection, construction, reconstruction, or removal of any structure.

Applicant. A person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative, including but not limited to the property owner, occupant of the site, the Planning and Zoning Commission or City Council.

Certificate of Appropriateness. An order issued by the Planning and Zoning Commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

Design Guidelines. Guidelines of appropriateness or compatibility of building design within a community or historic district.

Design review. The decision-making process conducted by the Planning and Zoning Commission or an appointed historic preservation officer that is guided by established terms.

Determination of Significance. A determination based on the importance of a historic property as defined by criteria found in Sec. 9.03.255(f).

Economic Hardship. An onerous and excessive financial burden, not created by the owner, which destroys reasonable and beneficial use of the property. For commercial properties the ability to make a reasonable income does not mean the highest and best use.

Exterior Architectural Feature. The architectural style and general arrangement of such portion of the exterior of a structure as is open to the view from a public way.

Historic District. A contiguous or non-contiguous geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City and is designated by the City pursuant to this Division.

Historic Landmark. Any site, building, structure, or landscape of historic significance designated by the City pursuant to this Division.

Historic Preservation. The protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archaeological significance.

Historic Resource. Any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

Integrity. The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory. A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

National Register of Historic Places. The nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state- wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object. A physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to

distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Ordinary Maintenance. The repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style, or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Owner. The individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

Preservation. The stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building as it appeared at a specific period of time.

Recorded Texas Historical Landmark. A state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Restoration. Returning a property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

State Archaeological Landmark. A designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archaeological" landmarks, this designation can include buildings as well as archaeological sites. For a building to be designated as a State Archaeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archaeological Landmark is subject to criminal, not civil, penalties.

Structure. A term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter.

Zoning. The City's adopted zoning code and regulations.

2. Savings.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

3. Severability.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

4. Repealer.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

5. Effective Date.

This Ordinance shall immediately upon its passage, publication and other authorizations as may be required by law.

6. 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 as required 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 this 17th day of August, 2023, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Gina V. Fulkerson, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	1. Discuss and consider possible action regarding a professional services agreement with ATS for Fire Inspections and Plan Review Services. (Nathan Glaiser, Director of Planning & Public Works)
SUBMITTED BY:	
DATE SUBMITTED:	08/02/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

We contract with ATS for building plan reviews and inspections. They have recently added fire plan review and inspections to the list of services that they offer. To utilize these services, we have amended our 2018 contract to include the additional services. These services are requested on an as-needed basis and require no flat monthly or yearly fee.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approval of the contract addendum with ATS to add fire services.

ATTACHMENT/S

1. ATS AGREEMENT ADDENDUM

AGREEMENT ADDENDUM

THE STATE OF TEXAS

§

§

COUNTY OF HAYS

§

This Agreement Addendum (“Addendum”) dated this _____ day of _____, 2023 is made and entered into by and between the City of Wimberley (“City”), and ARCH Technical Services LLC., dba ATS Engineers, Inspectors & Surveyors (“Company”), hereinafter collectively referred to as the “Parties,” or individually as “Party” for the purposes and consideration described herein.

BACKGROUND:

WHEREAS, the City of Wimberley, Texas and ATS Engineers, Inspectors & Surveyors (the "Parties") entered into the Services Agreement (the "Agreement") dated October 18, 2018, for the purpose of The City in connection with carrying out the duties of its various ordinances and permitting processes regulating the construction, use and occupancy, location and maintenance of all building and structures with the City, requires the services of a building inspector and plan reviewer.

WHEREAS, the Parties desire to amend the Agreement on the terms and conditions set forth in this Addendum

WHEREAS, this Addendum is the first amendment to the Services Agreement.

NOW, THEREFORE, the CITY and the COMPANY agree as follows:

IN CONSIDERATION OF the Parties agreeing to amend their obligations in the existing Services Agreement, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree to keep, perform, and fulfill the promises, conditions and agreements below:

I. AMENDMENTS

The Services Agreement is amended as follows:

I.1 Item 1. c. of the Agreement is hereby amended by adding Fire Code Inspection and Plan Review, as more specifically set forth Attachment “C”, attached hereto and incorporated herein as if fully set forth herein.

II. NO OTHER CHANGES

Except as otherwise expressly provided in this Addendum, all of the terms and conditions of the Agreement remain unchanged and in full force and effect.

III. ASSOCIATION

This Addendum is to be in no way interpreted to form any new partnerships or association between Parties other than those specifically stated in the Agreement or this Addendum and does not allow either of the Parties to contract on behalf of, or bind the other Party to any obligation other than those specified in the Agreement or this Addendum.

IV. CHOICE OF LAW

Subject to the terms of the Agreement, it is the intention of the Parties that this Addendum, and all suits and special proceedings under this Addendum, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of Texas, without regard to the jurisdiction in which any action or special proceeding may be instituted.

V. NOTICE

Notice shall remain in effect as specified in the Agreement and include notice required in regard to this Addendum.

City of Wimberley, Texas

By: _____

Title: _____

Date: _____

Arch Technical Services LLC., dba ATS Engineers, Inspectors & Surveyors

By: _____

Title: _____

Date: _____



AGENDA ITEM:	2. Discuss and consider action regarding a professional services agreement with Granicus for Hotel Occupancy Tax Collections. <i>(Leanne Kirby, Tourism Director)</i>
SUBMITTED BY:	
DATE SUBMITTED:	08/02/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Granicus is a host compliance company that will be in charge of identifying addresses, monitoring STRs and lodging, permitting, and tax collection, with an efficient dashboard, mobile capability and 24-hour hotline for property users.

Their quote is attached for your review, but the breakdown is below:

Year 1: \$23,308.60

Year 2: \$24,940.20

Year 3: \$26,686.01

Our current provider quoted \$58,455 through June 2024.

REQUESTED ACTION

FINANCIAL

Year 1: \$23,308.60

Year 2: \$24,940.20

Year 3: \$26,686.01

STAFF RECOMMENDATION

Approve professional agreement with Granicus as presented.

ATTACHMENT/S

1. TX_Wimberley TX_Q-273595_fourmodules



408 St. Peter St, Suite 600
St. Paul, MN 55102

THIS IS NOT AN INVOICE

Order Form
Prepared for
Wimberley, TX

Granicus Proposal for Wimberley, TX

ORDER DETAILS

Prepared By:	Mike Bozich
Phone:	
Email:	mike.bozich@granicus.com
Order #:	Q-273595
Prepared On:	31 Mar 2023
Expires On:	30 May 2023

ORDER TERMS

Currency:	USD
Payment Terms:	Net 30 (Payments for subscriptions are due at the beginning of the period of performance.)
Period of Performance:	The term of the Agreement will commence on the date this document is signed and will continue for 36 months.

PRICING SUMMARY

The pricing and terms within this Proposal are specific to the products and volumes contained within this Proposal.

One-Time Fees			
Solution	Billing Frequency	Quantity/Unit	One-Time Fee
Address Identification - Setup and Configuration	Up Front	1 Each	\$0.00
Address Identification - Online Training	Up Front	1 Each	\$0.00
Compliance Monitoring - Setup and Configuration	Up Front	1 Each	\$0.00
Compliance Monitoring - Online Training	Up Front	1 Each	\$0.00
Rental Activity Monitoring - Setup and Configuration	Up Front	1 Each	\$0.00
Rental Activity Monitoring - Online Training	Up Front	1 Each	\$0.00
Tax Collection - Setup and Configuration	Up Front	1 Each	\$0.00
Tax Collection - Online Training	Up Front	1 Each	\$0.00
SUBTOTAL:			\$0.00

New Subscription Fees			
Solution	Billing Frequency	Quantity/Unit	Annual Fee
Address Identification	Annual	1 Each	\$9,814.00
Compliance Monitoring	Annual	1 Each	\$4,907.00
Rental Activity Monitoring	Annual	1 Each	\$4,416.30
Enhanced Short-Term Rental Tax Collection Portal	Annual	1 Each	\$4,171.30
Tax Collection	Annual	1 Each	\$0.00
SUBTOTAL:			\$23,308.60

FUTURE YEAR PRICING

Solution(s)	Period of Performance	
	Year 2	Year 3
Address Identification	\$10,500.98	\$11,236.05
Compliance Monitoring	\$5,250.49	\$5,618.02
Rental Activity Monitoring	\$4,725.44	\$5,056.22
Enhanced Short-Term Rental Tax Collection Portal	\$4,463.29	\$4,775.72
Tax Collection	\$0.00	\$0.00
SUBTOTAL:	\$24,940.20	\$26,686.01

PRODUCT DESCRIPTIONS

Solution	Description
Address Identification	Ongoing monitoring of 60+ Short Term Rental websites including major platforms Airbnb, VRBO, HomeAway, Booking.com, FlipKey, & Expedia. Our machine learning will deduplicate all known Listings into unique Rental Units, where our identification team will provide owner contact information for further enforcement. This product includes:- Ongoing monitoring of all listings in your jurisdiction - Updating listing activity and details every 3-5 days - Screenshot activity of every listing - Deduplication of listings into unique Rental Units - Activity dashboard and map to monitor trends and breakdown of compliance
Compliance Monitoring	Compliance monitoring provides up-to-date information for each identified Rental Unit and its compliance status. We configure your compliance definition specific to your jurisdiction rules and ordinances in order to provide up-to-date compliance status of each identified Rental Unit. Additionally, this product will:- Allow your team to send letters to non-compliant properties 24/7 - Configure letter templates with your branding and letterhead - Add as many letter sequences as you need for escalation - Monitor properties that become compliant after letter enforcement
Rental Activity Monitoring	Ongoing monitoring of Short Term Rental listings for signs of rental activity including historical revenue estimates & occupancy. Coupled with our Tax Collection product, users can also compare historical revenue estimates to actual reported revenue to identify those that may be underreporting and underpaying sales tax (i.e. TOT).
Enhanced Short-Term Rental Tax Collection Portal	Tax Collection can be built as a separate mobile-enabled portal or coupled with Mobile Permitting & Registration in one single portal allowing your users to:- Report revenue monthly, quarterly, or annually and pay sales tax due (i.e TOT) - Remind users when they are registering for a permit/license to also report any back taxes - Collect ACH, Debit, and Credit Payments exclusively powered by Stripe.com

Solution	Description
Address Identification - Setup and Configuration	Setup and configuration of the platform to facilitate the systematic identification of the addresses and owner's contact information for short-term rentals located in a specific local government's jurisdiction. <i>Note: The implementation timeline for Client is dependent on Granicus' receipt of all data from Client required to complete the services, including assessor data and registration files, in the format agreed upon by the parties prior to project kick-off. Any fees associated with the collection or receipt of required data will be borne by Client.</i>
Address Identification - Online Training	Virtual training session with a Granicus professional services trainer.
Compliance Monitoring - Setup and Configuration	Setup and configuration of the system to enable ongoing monitoring of a specific jurisdiction's short-term rentals for compliance with the relevant registration/licensing/permitting requirements.
Compliance Monitoring - Online Training	Virtual training session with a Granicus professional services trainer.
Rental Activity Monitoring - Setup and Configuration	Setup and configuration of ongoing monitoring of Short-term Rental listings for signs of rental activity.
Rental Activity Monitoring - Online Training	Virtual training session with a Granicus professional services trainer.
Tax Collection	Tax Collection can be built as a separate mobile-enabled form or coupled with Mobile Permitting & Registration in one single portal allowing your users to:- Report revenue monthly, quarterly, or annually and pay sales tax due (i.e TOT) - Remind users when they are registering for a permit/license to also report any back taxes - Collect ACH, Debit, and Credit Payments exclusively powered by Stripe.com
Tax Collection - Setup and Configuration	Setup and configuration of mobile-enabled online forms and back-end systems for streamlining the monthly/quarterly collection of taxes from individual short-term rental hosts and capturing and processing the associated signatures, payments and required documentation

Solution	Description
Tax Collection - Online Training	Virtual training session with a Granicus professional services trainer.

TERMS & CONDITIONS

- This quote, and all products and services delivered hereunder are governed by the terms located at <https://granicus.com/legal/licensing>, including any product-specific terms included therein (the "License Agreement"). If your organization and Granicus has entered into a separate agreement or is utilizing a contract vehicle for this transaction, the terms of the License Agreement are incorporated into such separate agreement or contract vehicle by reference, with any directly conflicting terms and conditions being resolved in favor of the separate agreement or contract vehicle to the extent applicable.
- If submitting a Purchase Order, please include the following language: The pricing, terms and conditions of quote Q-273595 dated 31 Mar 2023 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.
- This quote is exclusive of applicable state, local, and federal taxes, which, if any, will be included in the invoice. It is the responsibility of Wimberley, TX to provide applicable exemption certificate(s).
- Any lapse in payment may result in suspension of service and will require the payment of a setup fee to reinstate the subscription.

BILLING INFORMATION

Billing Contact:		Purchase Order Required?	☐ - No ☐ - Yes
Billing Address:		PO Number: <i>If PO required</i>	
Billing Email:		Billing Phone:	

If submitting a Purchase Order, please include the following language:

The pricing, terms, and conditions of quote Q-273595 dated 31 Mar 2023 are incorporated into this Purchase Order by reference and shall take precedence over any terms and conditions included in this Purchase Order.

AGREEMENT AND ACCEPTANCE

By signing this document, the undersigned certifies they have authority to enter the agreement. The undersigned also understands the services and terms.

Wimberley, TX	
Signature:	
Name:	
Title:	
Date:	



AGENDA ITEM:	3. Discuss and consider possible action to authorize a request for proposal (RFP) for the Welcome Center located at 280 Old Kyle Road. <i>(Leanne Kirby, Tourism Director)</i>
SUBMITTED BY:	
DATE SUBMITTED:	08/02/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This request is to allow staff to go out for bid for remodeling of the Welcome Center on Old Kyle Road. The specs are not finalized at this time, but will be provided to council prior to any notifications or bids going out.
Current Floor plan is attached for your review.

REQUESTED ACTION

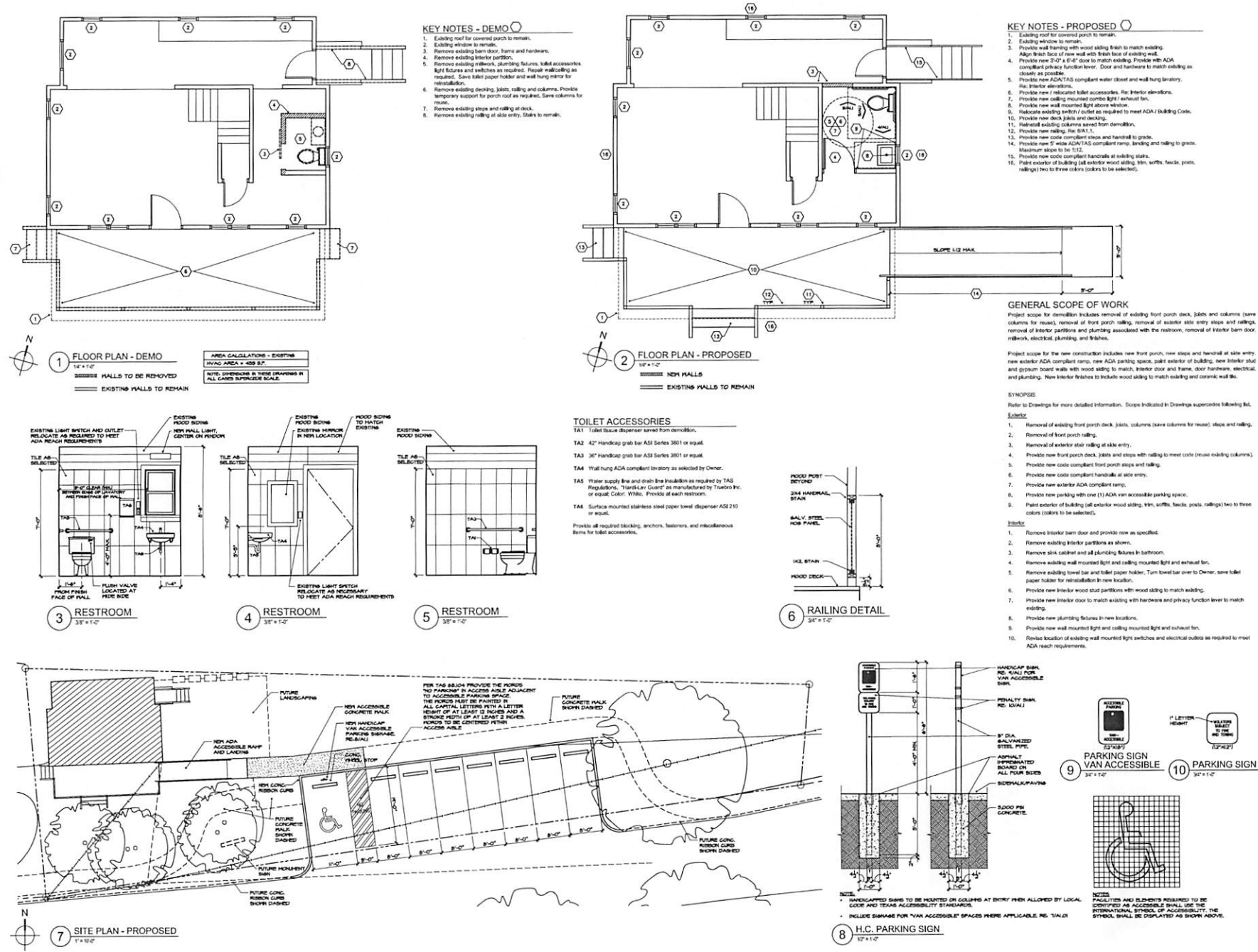
Motion
Discussion

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Welcome Center Floor Plans





AGENDA ITEM:	5. Discuss and consider possible action on a naming gift agreement for the Cypress Creek Preserve. <i>(Richard Shaver, Director of Parks)</i>
SUBMITTED BY:	
DATE SUBMITTED:	08/08/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Moore legacy agreement Cypress Creek preserve trail DRAFT

**WIMBERLEY CYPRESS CREEK PRESERVE IMPROVEMENT
NAMING GIFT AGREEMENT**

I. INTRODUCTION

The purpose of this agreement is to set forth the mutual understanding of the John and Catherine Moore Foundation ("Donor"), the Friends of Blue Hole, Inc. a Texas nonprofit corporation dba Friends of Wimberley Parks ("FoBH") and City of Wimberley ("City") regarding an irrevocable gift to FoBH. The Donor's gift will be used as provided for herein. Donor, City, and FoBH may be referred to individually as ("Party") or collectively as ("Parties.")

FoBH is incorporated in the State of Texas as a non-profit corporation with federal 501 (c) (3) status. Its federal tax ID is 20-3415046.

Commented [KL1]: Necessary change for easier reading

II. DESCRIPTION OF THE GIFT **II. OBLIGATIONS OF THE PARTIES**

II.1 **The Donor** has agreed to pay to FoBH \$28,000 in fulfillment of its obligation and in exchange for consideration hereunder.

II.2 **FoBH** shall retain 5% of the gift for administrative expenses. FoBH shall also set aside 30% (thirty percent) of the gift for maintenance of this and other legacy items in Wimberley parks. The remaining portion of the gift shall be used to assist the City as FoBH may, from time to time, deem appropriate.

II.3 **The City** has constructed and maintained the Cypress Creek Nature Preserve Trail ("Trail") in the Park. In recognition of the Donor's support as described by this document, the City agrees to rename the Trail the "Cate Moore Trail". The naming will be in accordance with City of Wimberley Park Element/Amenity Naming Policy in effect at this time, through appropriate signage (to include at least two, possibly three signs). The Trail shall be referred to as "The Cate Moore Trail" in all written materials and maps which reference the Trail. The Trail will carry the Donor's specific name for perpetuity, and may not be changed except upon written agreement of the parties. However, the City may modify, extend, or reroute the Trail in its sole discretion.

Commented [KL2]: See the new change of title and set up

III. RECOGNITION

In recognition of this gift, FoBH and City may publish the name of the Donor in various publications and press releases as determined in their sole discretion. For recognition purposes, the Donor shall be identified as "The Cate Moore Trail".

IV. CHOICE OF LAW

This Agreement is executed in and shall be governed by the laws of the State of Texas

Commented [KL3]: These provisions are necessary in any agreement

V. VENUE

Any dispute arising from this Agreement shall presided over by a Court of competent jurisdiction in Hays County, Texas.

VI. ASSOCIATION

This Agreement shall in no way be interpreted to form any partnership or association between the Parties other than those clearly stated herein. This Agreement shall not be interpreted in any way to allow any Party to contract for or on behalf of the other Party, or obligate them to any terms of any agreement other than those clearly stated herein.

VII. NOTICE

Any and all notice of dispute or any other notice shall be provided to the Parties or their agents at the address listed below.

John and Catherine Moore Foundation (Donor)
Agent
Address
Phone

Friends of Blue Hole (FoBH)
Agent
Address
Phone

City of Wimberley (City)
Agent
Address
Phone

VIII. MISCELLANEOUS

~~This agreement is executed in and shall be governed by the laws of the state of Texas.~~ This agreement may be amended at any time by written agreement signed by each party. The effective date of this agreement shall be the date set forth below.

Executed to be Effective as of the ____ day of _____, 2023

John and Catherine Moore Foundation

City of Wimberley

Title_____

By_____

Title_____

Friends of Blue Hole

Title_____

Commented [KL4]: Please add this information for each party for notice purposes

Commented [KL5]: Relocated this



AGENDA ITEM:	6. Discuss and consider possible action on a naming gift agreement for a drinking/water station at Martha Knies Park. <i>(Richard Shaver, Director of Parks)</i>
SUBMITTED BY:	
DATE SUBMITTED:	08/08/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Moore Martha's Park gift agreement

**WIMBERLEY MARTHA KNIES IMPROVEMENT
NAMING GIFT AGREEMENT**

I. INTRODUCTION

The purpose of this agreement is to set forth the mutual understanding of the John and Catherine Moore Foundation ("Donor"), the Friends of Blue Hole, Inc. a Texas nonprofit corporation dba Friends of Wimberley Parks ("FoBH") and City of Wimberley ("City") regarding an irrevocable gift to FoBH. The Donor's gift will be used as provided for herein. Donor, City, and FoBH may be referred to individually as ("Party") or collectively as ("Parties.")

FoBH is incorporated in the State of Texas as a non-profit corporation with federal 501 (c) (3) status. Its federal tax ID is 20-3415046.

Commented [KL1]: Necessary change for easier reading

II. DESCRIPTION OF THE GIFT II. OBLIGATIONS OF THE PARTIES

II.1 The Donor has agreed to pay to FoBH an amount not to exceed \$10,000 in fulfillment of its obligation and in exchange for consideration hereunder.

II.2 FoBH shall forego its usual retention of 5% of the gift for administrative expenses. The entire gift amount shall be used to fund the purchase and installation of a drinking/watering station substantially similar to the one described at Exhibit A attached hereto and incorporated herein.

II.3 In recognition of the Donor's support as described by this document, **the City agrees** to place a naming plaque in close proximity to the drinking/watering station, in accordance with City of Wimberley Park Element/Amenity Naming Policy in effect at this time, noting that the drinking/watering station was donated by the Donor, in memory Cate Moore. The City will preserve the plaque herein described in perpetuity, and the plaque may not be changed except upon written agreement of the parties.

Commented [KL2]: See the new change of title and set up

III. RECOGNITION

In recognition of this gift, FoBH and City may publish the name of the Donor in various publications and press releases as determined in their sole discretion. For recognition purposes, the Donor shall be identified as The John and Catherine Moore Foundation".

IV. CHOICE OF LAW

This Agreement is executed in and shall be governed by the laws of the State of Texas

Commented [KL3]: These provisions are necessary in any agreement

V. VENUE

Any dispute arising from this Agreement shall presided over by a Court of competent jurisdiction in Hays County, Texas.

VI. ASSOCIATION

This Agreement shall in no way be interpreted to form any partnership or association between the Parties other than those clearly stated herein. This Agreement shall not be interpreted in any way to allow any Party to contract for or on behalf of the other Party, or obligate them to any terms of any agreement other than those clearly stated herein.

VII. NOTICE

Any and all notice of dispute or any other notice shall be provided to the Parties or their agents at the address listed below.

John and Catherine Moore Foundation (Donor)

Agent
Address
Phone

Friends of Blue Hole (FoBH)

Agent
Address
Phone

City of Wimberley (City)

Agent
Address
Phone

VIII. MISCELLANEOUS

~~This agreement is executed in and shall be governed by the laws of the state of Texas.~~ This agreement may be amended at any time by written agreement signed by each party. The effective date of this agreement shall be the date set forth below.

Commented [KL4]: Please add this information for each party for notice purposes

Executed to be Effective as of the ____ day of _____, 2023

John and Catherine Moore Foundation

City of Wimberley

Title_____

By_____

Title_____

Friends of Blue Hole

Title_____



AGENDA ITEM:	7. Hold a discussion related to a memorial in honor of Marilee Wood at the Blue Hole Regional Park, as proposed by the Friends of Wimberley Parks. (<i>Richard Shaver, Director of Parks</i>)
SUBMITTED BY:	
DATE SUBMITTED:	08/08/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Marilee Wood Memorial



Marilee Wood Memorial Garden

June 2023

Lionheart Places

Page 20366176

Prepared for:

Friends of Blue Hole

Prepared by:

Lionheart Places
Tel. 512.520.4488
Email. steven@lionheartplaces.com
rebecca@lionheartplaces.com
margaret@lionheartplaces.com



Wood-Grinstead Amphitheater, Blue Hole Regional Park



Swimming Entrance, Blue Hole Regional Park

Memorial Garden Preferred Concept Design Presentation

- Review of Project
- Preferred Concept Plan
- Plant and Material Palette

Project Context

VISION

The Marilee Wood Memorial Garden will honor the memory of Marilee Wood, a member of Friends of Blue Hole and an integral part of creating Blue Hole Regional Park. A tireless advocate for her community, the Marilee Wood Memorial Garden will celebrate her legacy of environmental stewardship, connection with the community and her love of Hill Country gardens.

GOALS

- 1. The garden allows for a place to connect with nature and friends, while also being a place of peace and serenity.
- 2. The garden design aligns with the vernacular and experience of Blue Hole Regional Park
- 3. The garden is easily accessible for all ages and users.
- 4. The garden enhances the ecological and sustainability goals of the park.
- 5. The garden is a destination for those using the park.

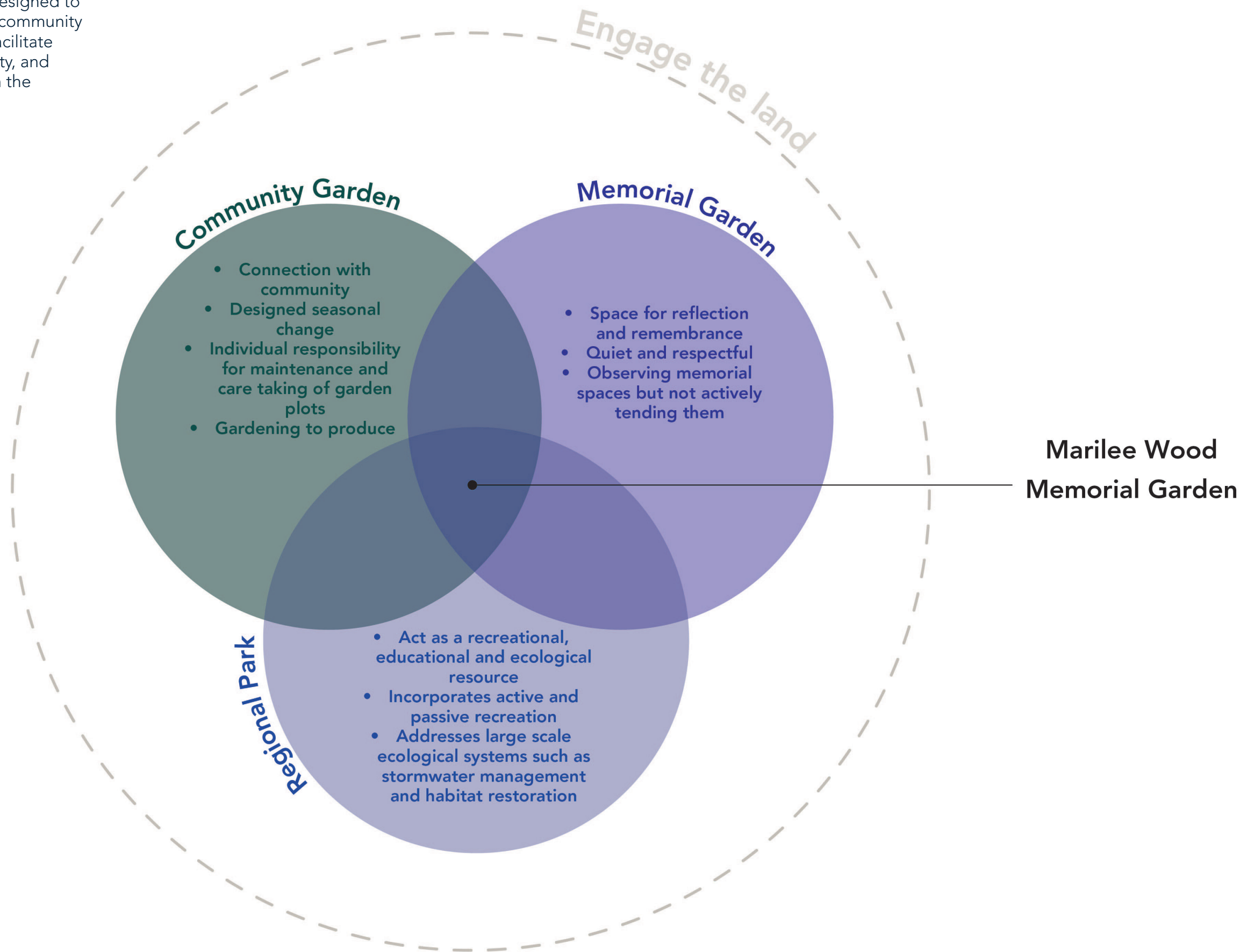


Blue Hole Community Pavilion

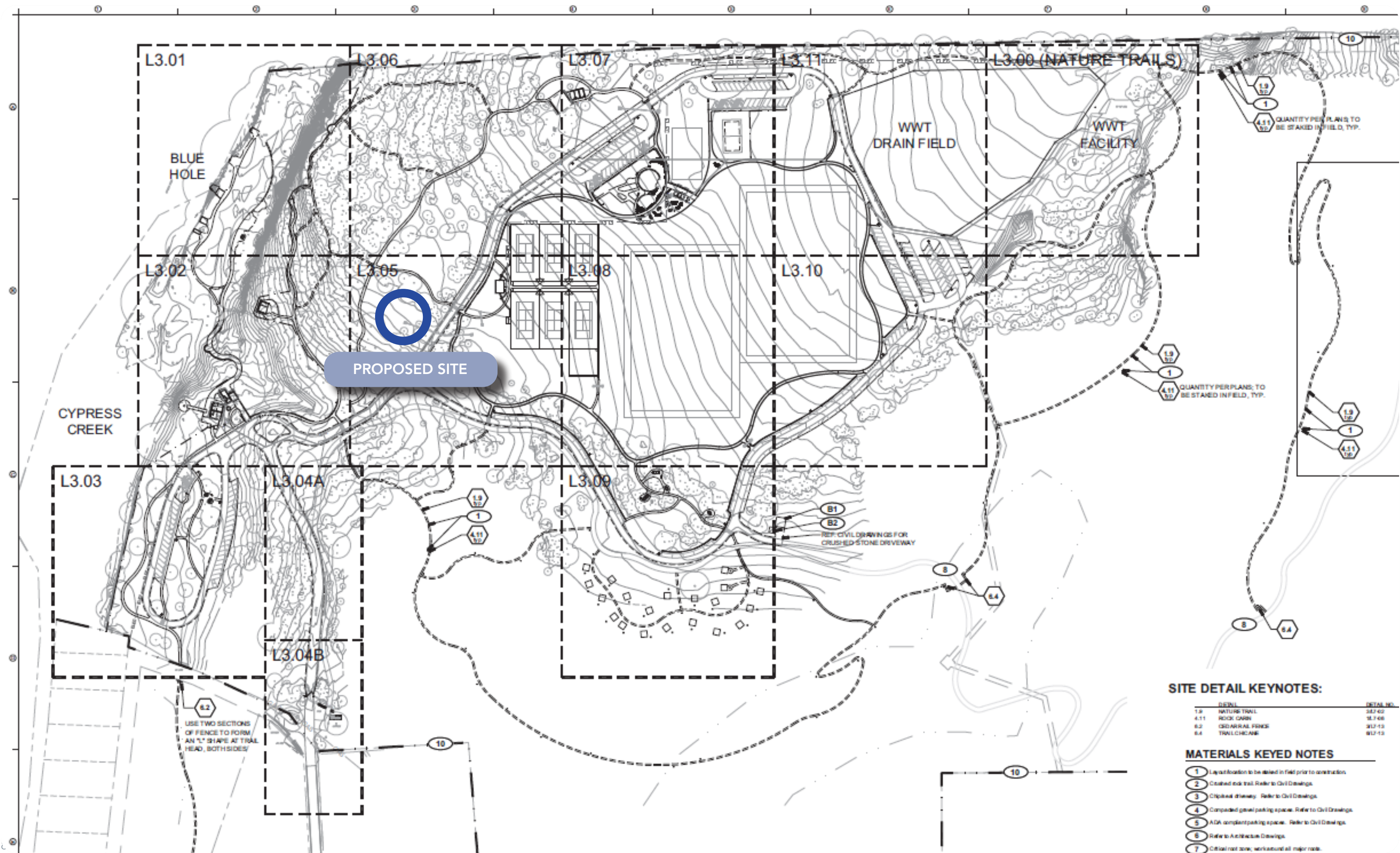
Source: City of Wimberley, Texas

Marilee Wood Memorial Garden

The Marilee Wood Memorial Garden will be designed to exist at the intersection of memorial gardens, community gardens, and regional parks. The design will facilitate moments of connection with nature, community, and remembrance of Marilee Wood’s legacy within the greater context of Blue Hole Regional Park.



Project Location



Project Location



Aerial of Blue Hole Regional Park

Source: City of Wimberley, Texas

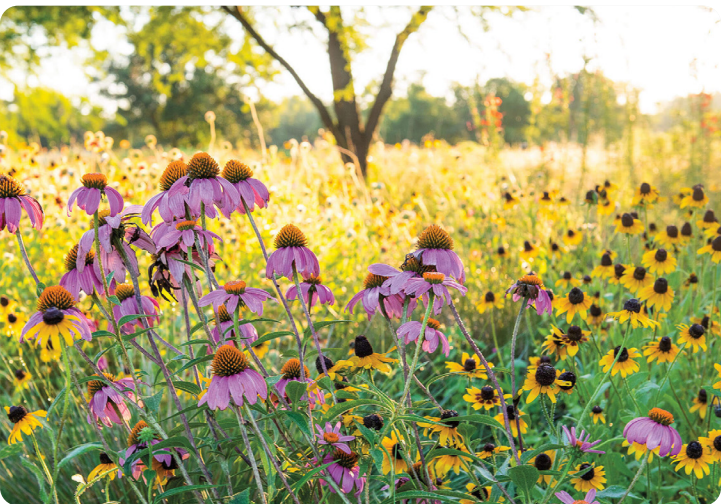
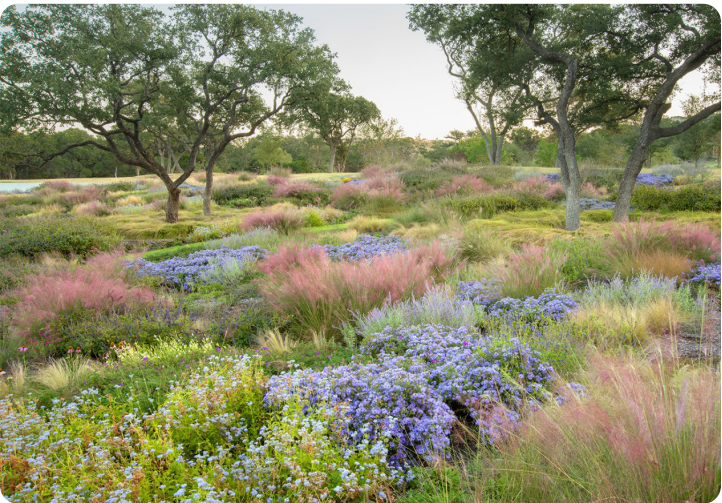
The chosen location is secluded from the main upper road loop and overlooks the dry rain garden detention pond. A 5'-wide decomposed granite trail provides direct access to this area. Parking is readily available along the main upper road loop approximately 50' away.

The design concepts all incorporate enhancements of the existing stormwater management system, providing an opportunity to weave together ecological functionality with creative interpretations around themes of remembrance, seasons and cycles of life. The land above the pond is relatively flat and receives direct sun, while the surrounding forest path receives ample shade from trees. The sun and shade patterns create an opportunity for the stormwater basin and memorial garden to shine with native landscaping that incorporates grasses, fruit trees and wildflowers while the surrounding path remains comfortably shaded.



PREFERRED CONCEPT PLAN

The preferred concept plan has a formal path embraced by trees with a water feature in the center. The native flowering tree grove encircles the existing shape of the rain garden.



1"=20'

Section



1"=1'

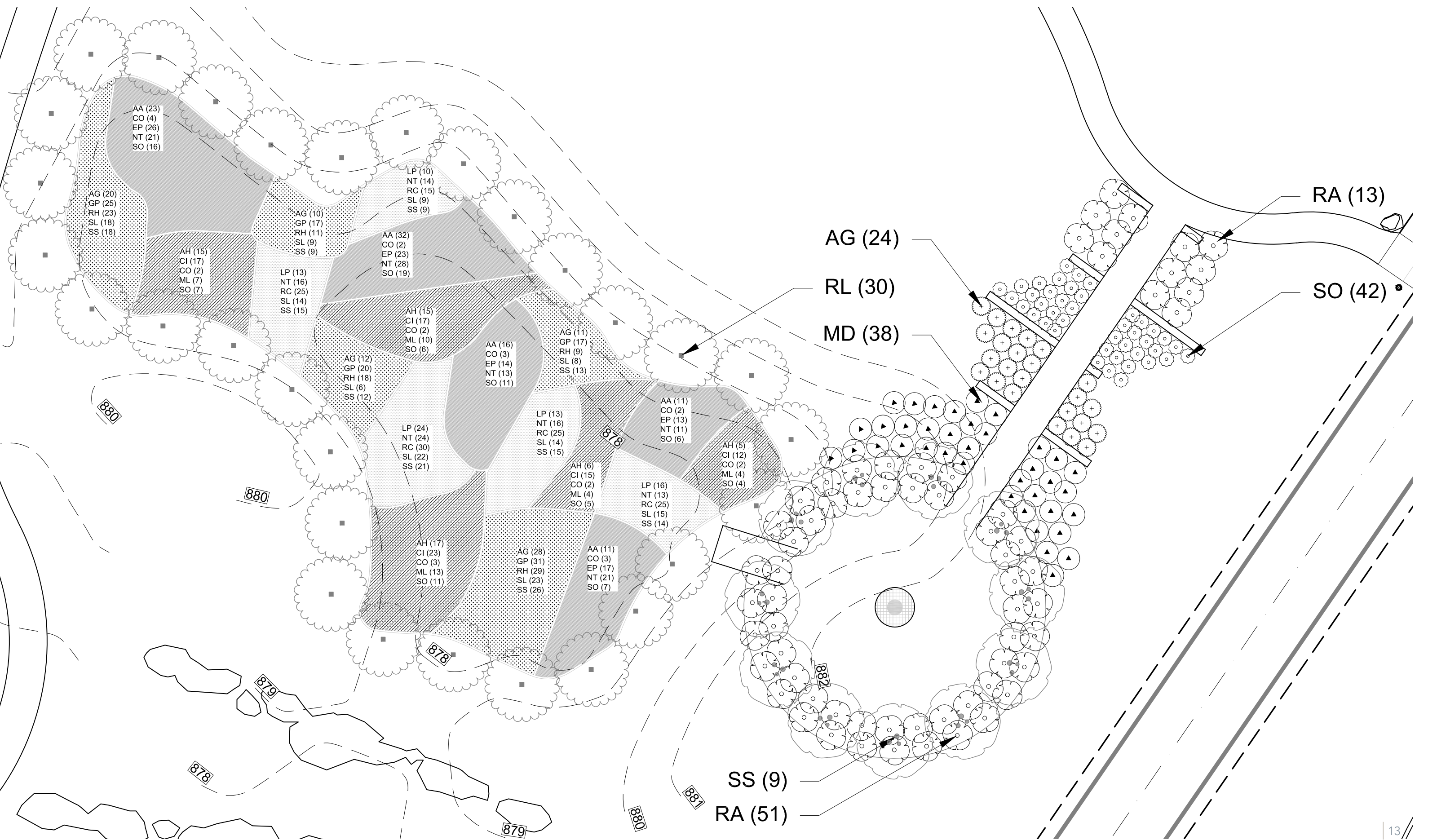
PLANT LIST - Perennials

	<u>Botanical Name</u>	<u>Common Name</u>	<u>Spacing</u>	<u>Seasonal Interest</u>
⦿	Ageratina havanensis	Shrubby Boneset	24"	Summer-Fall
	Andropogon glomeratus	Bushy Bluestem	24"	Fall/Winter
	Asclepias asperula	Antelope-Horn Milkweed	12"	Spring-Fall
	Callirhoe involucrata	Winecup	12"	Spring-Summer
	Cephalanthus occidentalis	Button Bush	72"	
	Echinacea purpurea	Purple Coneflower*	12"	
	Gallardia pulchella	Blanketflower	12"	Spring
	Liatris punctata	Texas Blazing Star*	18"	Summer-Fall
⦿	Malvaviscus arboreus var.drummondii	Turk's Cap	36"	Late Spring-Fall
	Muhlenbergia capillaris	Gulf Muhly	30"	Fall
	Nasella tenuissima	Mexican Feathergrass	18"	
	Ratbida columnifera	Upright Prairie Coneflower	12"	Spring
⦿	Rhus aromatica 'Gro-Low'	Fragrant Sumac	60"	
	Rudbeckia hirta	Black-eyed Susan	18"	Fall/Spring
	Schizachyrium scoparium	Little Bluestem	18"	
	Senna lindheimeri	Lindheimer's Senna	18"	Summer
⦿	Symphotrichum oblongifolium	Fall Aster*	30"	Fall

All plants are from the LBJ Wildflower Center Deer Resistant Plant List unless otherwise stated
* indicates the research on the species deer resistance is from an alternate source
i. Purple Coneflower, Rutgers University
ii. Texas Blazing Star, Comal Master Gardener
iii. Fall Aster, Rutgers University



Planting Schedule and Imagery





Entrance Pathway

1.



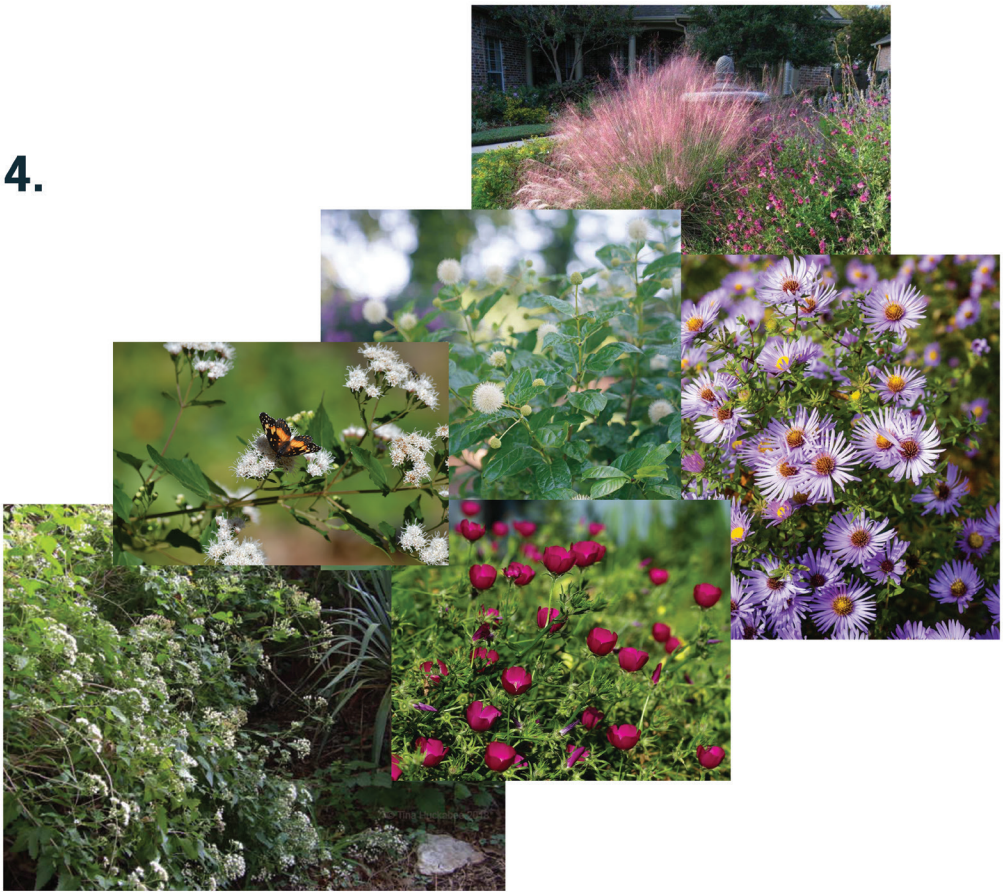
2.



3.



4.





Trees

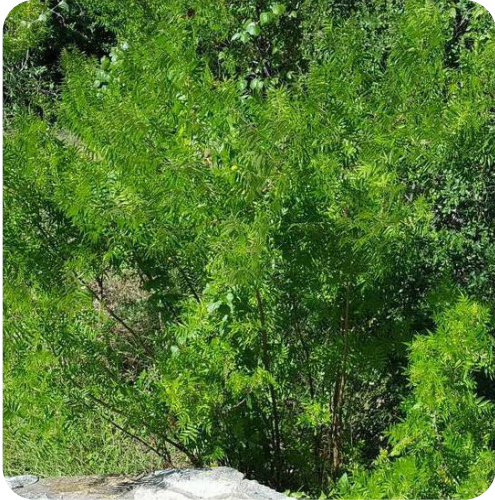
Color Through the Seasons →



Sophora secundiflora Texas Mountain Laurel



Spring Color



Rhus lanceolata Flameleaf Sumac



Fall Color

Shrub

Color Through the Seasons →



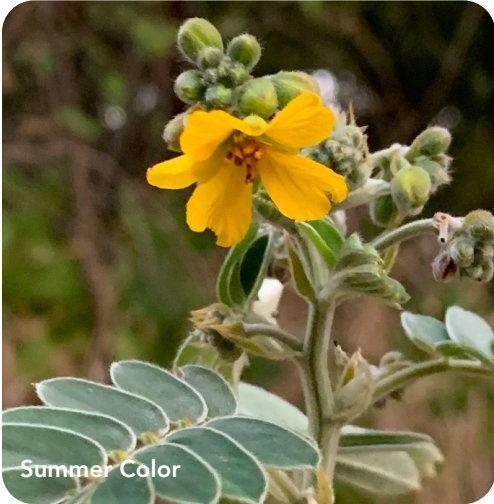
Malvaviscus drummondii Turk's Cap



Spring/Summer Color



Senna lindheimeriana Lindehimer's Senna



Summer Color



Rhus aromatica Gro-Low Fragrant Sumac



Fall Color



Ageratina havanensis Shrubby Boneset



Cephalanthus occidentalis Buttonbush



Pollinator Favorites

Flowering Perennials

Color Through the Seasons →



Spring-Summer Color

Rudbecki hirta Black-Eyed Susan



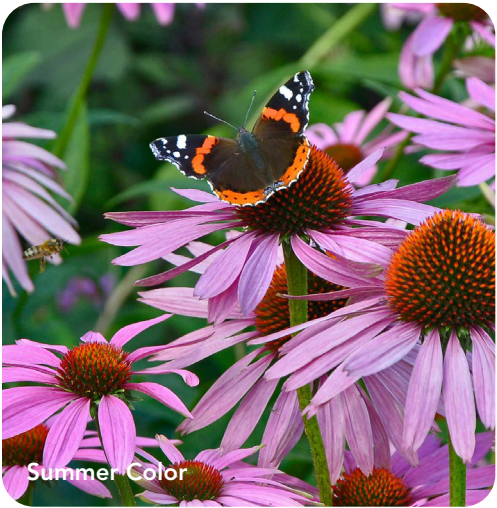
Spring-Summer Color

Callirhoe involucrata Winecup



Spring-Fall Color

Asclepias asperula Antelope-Horn Milkweed



Summer Color

Echinacea purpurea Purple Coneflower



Summer- Fall Color

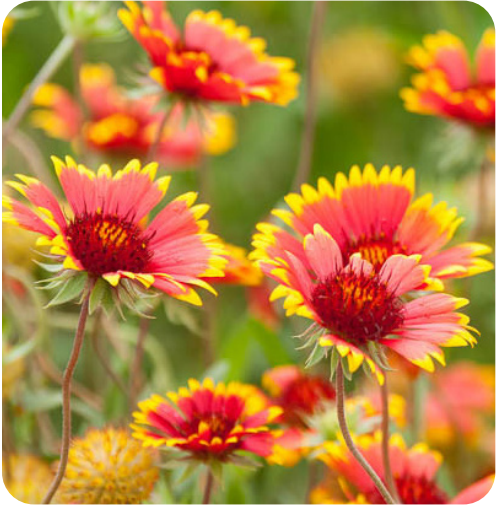
Liatris punctata Texas Blazing Star



Fall Color

Symphyotrichum oblongifolium Fall Aster

Seasonal Wildflowers (Spring-Summer Color)



Gaillardia pulchella Firewheel



Ratibida columnifera Upright Prairie Coneflower

Grasses



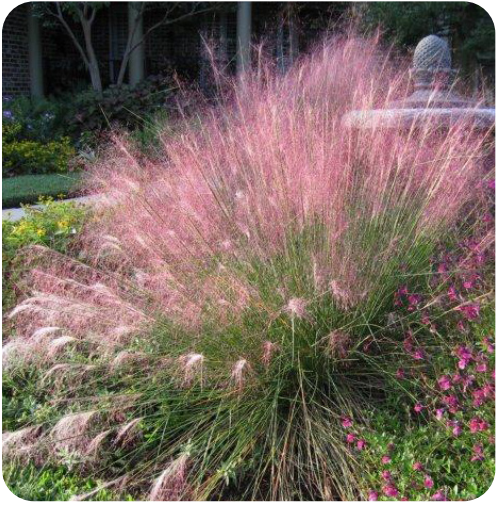
Nassella tenuissima Mexican Feathergrass



Andropogon glomeratus Bushy Bluestem



Schizachyrium scoparium Little Bluestem



Muhlenbergia capillaris Gulf Muhly

Material Imagery

STONE



Memorial Plaque



Water Feature



Paving



Wall

WOOD



Wood Benches

GRAVEL

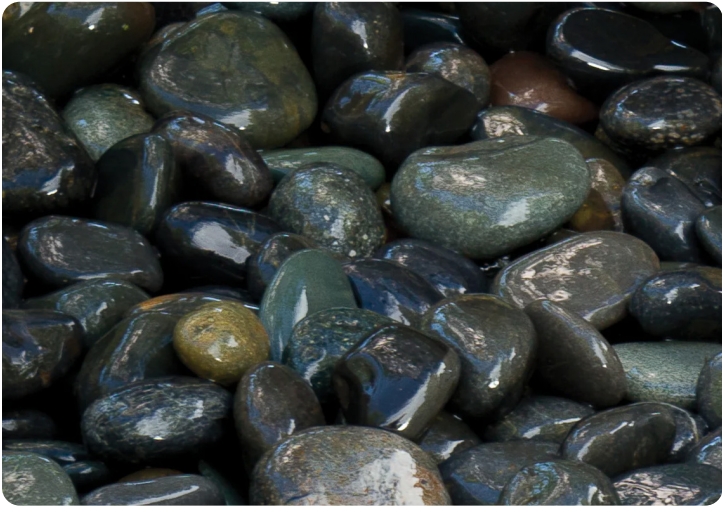


Decomposed gravel path

Water Feature Details



Water Feature



Pebbles

LittleGIANT®
Franklin Electric Co., Inc.
P. O. Box 12010
Oklahoma City, OK 73157-2010
405.947.2511 • Fax: 405.947.8720
www.LittleGiantPump.com
CustomerService-WTS@fele.com

DISAPPEARING WATER FEATURE BASIN • CUVETTE POUR JEUX D’EAU EN CIRCUIT FERMÉ • CUBETA PARA FUENTE DE AGUA QUE DESAPARECE

EN INTRODUCTION

This instruction sheet provides you with the information required to safely own and operate your Little Giant product. Retain these instructions for future reference.

The Little Giant product you have purchased is of the highest quality workmanship and material, and has been engineered to give you long and reliable service. Little Giant products are carefully tested, inspected, and packaged to ensure safe delivery and operation. Please examine your items carefully to ensure that no damage occurred during shipment. If damage has occurred, please contact the place of purchase. They will assist you in replacement or repair, if required.

READ THESE INSTRUCTIONS CAREFULLY BEFORE ATTEMPTING TO INSTALL, OPERATE, OR SERVICE YOUR LITTLE GIANT PRODUCT. KNOW THE PRODUCT’S APPLICATION, LIMITATIONS, AND POTENTIAL HAZARDS. PROTECT YOURSELF AND OTHERS BY OBSERVING ALL SAFETY INFORMATION. FAILURE TO COMPLY WITH THESE INSTRUCTIONS COULD RESULT IN PERSONAL INJURY AND/OR PROPERTY DAMAGE!

INSTALLATION (DFB36)

Refer to Figure 1 and the following instructions to install the DFB36 basin:

1. Dig a hole 9” deep, 30” in diameter at the bottom, and sloping to 35” in diameter at the top. Ensure that the ground at the bottom is level and solid.
2. Place the basin into the hole, with the power cord cut-out facing toward the power source.
3. Set the support into the circular receptacle in the center of the basin and align the tubing cut-outs.
4. Place the pump into the basin, running the power cord through the cord cut-out.
5. Cut a length of tubing long enough to reach from the bottom of the basin to the top of the water feature.
6. Run the tubing through the center hole in the top of the support and out the tubing cut-outs, then connect it to the pump outlet fitting.
7. Install the six top plates.
8. Refer to the water feature owner’s manual to complete the installation.

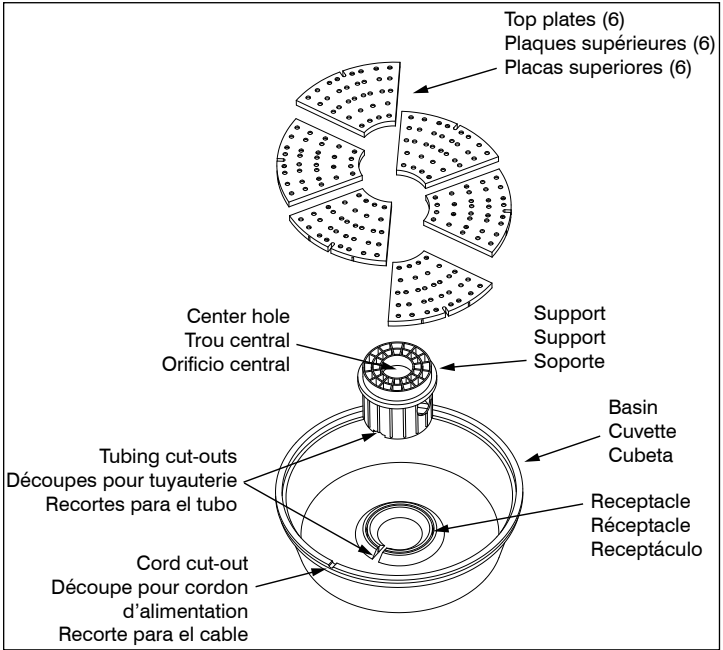


Figure • Figure • Figura 1 - DFB36



INSTALLATION (DFB44)

Refer to Figure 2 and the following instructions to install the DFB44 basin:

1. Dig a hole 10” deep, 29” square at the bottom, and sloping to 37” square at the top. Ensure that the ground at the bottom is level and solid.
2. Place the basin into the hole.
3. Insert the 8 supports into the 8 support holes.
4. Place the center plate (gray) onto the supports, pressing firmly to ensure full installation.
5. Place the pump into the basin.
6. Cut a length of tubing long enough to reach from the bottom of the basin to the top of the water feature.
7. Run the tubing through the center hole in the top of the center plate and connect it to the pump outlet fitting.
8. Install the four top plates. On the side nearest the power supply, run the pump power cord out the cord gap, under the edge of the top plate, and through the cord cut-out.
9. Install the four access covers, ensuring that the cut-out in each faces outward.
10. Refer to the water feature owner’s manual to complete the installation.

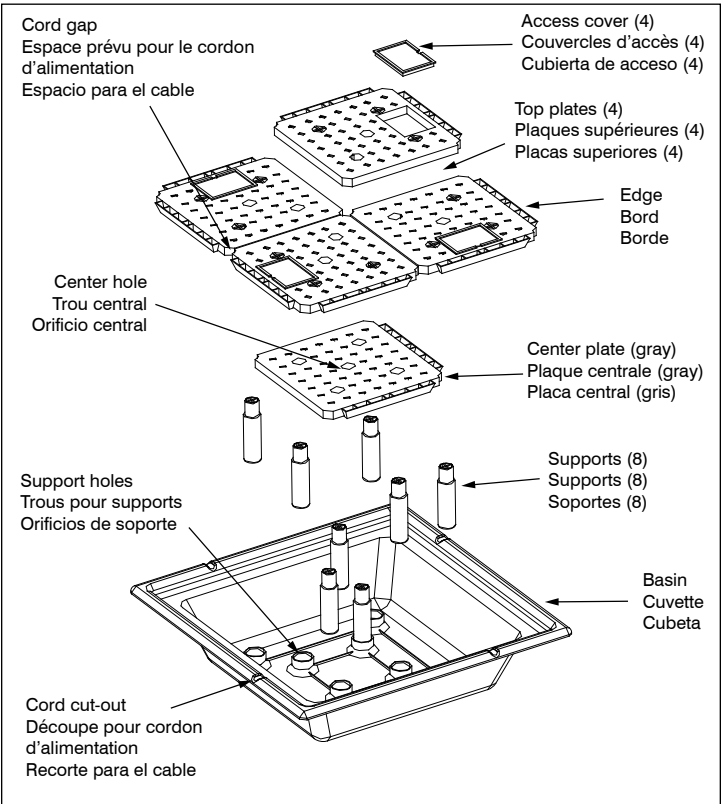


Figure • Figure • Figura 2 - DFB44

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AGENDA ITEM:	8. Hold a discussion regarding the preliminary Fiscal Year 2023-2024 Budget and Proposed Fee Schedule. <i>(Tim Patek, City Administrator)</i>
SUBMITTED BY:	
DATE SUBMITTED:	08/08/2023
MEETING DATE:	August 17, 2023

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Attached is the same budget that was presented on August 3rd (Version 2). YTD totals have not been updated. These are as of July 27, 2023.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Budget Working Document (v.2)
2. City of Wimberley Fee Schedule Adoption 2023

**CITY OF WIMBERLEY GENERAL FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>Tax Revenue</u>				
100-15-5120	General Sales & Use Tax	1,419,653.26	1,419,000.00	1,233,367.80	1,435,000.00
100-15-5131	Mixed Beverage Tax	74,640.53	40,000.00	69,360.00	60,000.00
100-15-5171	Franchise Tax	293,914.41	250,000.00	291,556.20	255,000.00
	Subtotal	1,788,208.20	1,709,000.00	1,594,284.00	1,750,000.00
	<u>License & Permit Fees</u>				
100-15-5211	Beer & Wine Permits	1,465.00	1,000.00	2,885.00	3,000.00
100-15-5212	Food Permits	16,904.80	14,000.00	11,095.00	13,000.00
100-15-5213	Septic Permits	13,135.00	10,000.00	11,670.00	10,000.00
100-15-5219	Sign Permits	620.00	1,000.00	845.00	1,000.00
100-15-5221	Building Permits	31,901.72	30,000.00	28,607.64	28,250.00
100-15-5621	Short-Term Rental	0.00	0.00	975.00	0.00
	Subtotal	64,026.52	56,000.00	56,077.64	55,250.00
	<u>Service Fees</u>				
100-15-5410	CC Convenience Fees	410.75	500.00	64.34	0.00
100-15-5413	Zoning	13,886.40	10,000.00	16,355.00	12,000.00
100-15-5414	Subdivision Fees	7,437.55	3,000.00	1,038.25	2,700.00
100-15-5415	Copies	0.00	0.00	0.00	0.00
100-15-5416	Building Inspections	26,700.00	25,000.00	23,786.70	25,000.00
100-15-5417	Bldg Plan Reviews	11,053.75	10,000.00	11,683.72	10,000.00
100-15-5475	WCC Facility Rentals	35,912.65	30,000.00	16,828.10	0.00
	Subtotal	95,401.10	78,500.00	69,756.11	49,700.00
	<u>Court Costs, Fees & Charges</u>				
100-15-5411	Court Costs	0.00	5,000.00	0.00	0.00
	Subtotal	0.00	5,000.00	0.00	0.00
	<u>Facility Rental Fees</u>				
100-51-5475	WCC Facility Rentals	0.00	0.00	26,770.75	35,000.00
100-51-5476	Special Events	100.00	0.00	2,400.00	0.00
	Subtotal	100.00	0.00	29,170.75	35,000.00
	<u>Other Income</u>				
100-15-5476	Special Events	25.00	0.00	0.00	0.00
100-15-5611	Interest Revenues	4,048.25	2,000.00	6,589.66	2,000.00
100-15-5620	Parking Lot Lease	0.00	0.00	0.00	0.00
100-15-5340	Grant Funds	950.08	0.00	0.00	0.00
100-15-5630	Restroom Revenue	0.00	0.00	0.00	0.00
100-15-5701	Other/Misc	0.00	10,000.00	23,066.01	1,000.00
100-15-5799	Operating Transfer In	350,000.00	0.00	0.00	0.00
100-15-5900	Designated Funds	0.00	0.00	0.00	0.00
100-15-5901	FEMA Designated Funds	0.00	0.00	0.00	0.00
100-15-5903	CARES ACT - Designated Funds	0.00	0.00	0.00	0.00
100-15-5904	Insurance Proceeds	0.00	0.00	0.00	0.00
100-15-7919	Insurance Proceeds - Winter Storm Damage	0.00	0.00	0.00	0.00
	Subtotal	355,023.33	12,000.00	29,655.67	3,000.00
	Total Revenues	2,302,759.15	1,860,500.00	1,778,944.17	1,892,950.00

Expenditures

Administration

**CITY OF WIMBERLEY GENERAL FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
<u>Personnel Services</u>					
100-15-6100	Salaries & Wages Part-Time	9,341.43	0	0	0
100-15-6105	Salaries & Wages Full-Time	267,687.21	293,669.00	232,647.04	287,000.00
100-15-6210	Benefits - Health/Dental/Vision/Life	29,910.27	31,858.00	18,803.93	31,500.00
100-15-6220	Payroll Taxes	18,175.59	23,216.00	17,385.85	21,700.00
100-15-6230	TMRS Contribution	14,847.78	19,112.00	14,790.04	18,700.00
100-15-6250	Unemployment Compensation	12.97	706.00	38.25	300.00
100-15-6251	Workers Compensation	0.00	197.00	0.00	750.00
	Subtotal	339,975.25	368,758.00	283,665.11	359,950.00
<u>Supplies & Maintenance</u>					
100-15-6410	Utilities	12,170.15	11,000.00	11,336.79	18,000.00
100-15-6430	Bldg Repairs/Maintenance	3,291.77	3,000.00	2,131.13	3,000.00
100-15-6433	Equipment Maintenance	0.00	0.00	0.00	0.00
100-15-6442	Water Cooler	619.86	600.00	642.63	0.00
100-15-6521	Security System	719.76	853.00	749.75	0.00
100-15-6610	General Operating Supplies	5,047.02	4,000.00	2,923.31	4,500.00
100-15-6660	Office Supplies	2,447.27	3,000.00	1,811.57	3,000.00
100-15-6791	Capital Outlay - Technology	5,816.16	3,000.00	0.00	3,000.00
100-15-6792	Capital Outlay - Other	150,170.00	10,000.00	4,314.40	10,000.00
100-15-6796	Capital Outlay - Winter Storm	125.55	0.00	0.00	0.00
100-15-6903	COVID-19	1,399.80	0.00	0.00	0.00
	Subtotal	181,807.34	35,453.00	23,909.58	41,500.00
<u>Other Services & Charges</u>					
100-15-6270	Annual/Assoc Dues	3,622.22	4,500.00	3,253.52	4,500.00
100-15-6390	Miscellaneous	5,466.02	0.00	0.00	0.00
100-15-6340	Technology Consultant	10,360.45	10,000.00	9,140.97	11,000.00
100-15-6370	Contract Services	26,579.03	21,384.00	10,349.13	35,000.00
100-15-6411	Telephones	4,648.41	6,000.00	4,404.82	0.00
100-15-6420	Office Cleaning	6,037.50	6,000.00	5,606.25	7,000.00
100-15-6441	Storage Rent	1,200.00	1,200.00	1,000.00	0.00
100-15-6443	Equipment Rent/ Right-To-Use Lease	11,208.42	9,000.00	7,568.14	9,500.00
100-15-6444	Parking Lot Lease	0.00	0.00	0.00	0.00
100-15-6500	Grant Expenditures	9,871.16	0.00	309,938.83	0.00
100-15-6520	Insurance	25,092.90	30,000.00	31,041.90	35,000.00
100-15-6531	Public Notices	2,984.00	7,000.00	3,772.21	7,000.00
100-15-6532	Office Tech/Software	53,907.18	41,000.00	60,354.58	60,000.00
100-15-6540	Advertising	50.00	0.00	0.00	0.00
100-15-6551	Printing	177.24	300.00	346.88	300.00
100-15-6552	Copies	0.00	0.00	0.00	0.00
100-15-6562	CC Processing Fees	919.08	0.00	0.00	0.00
100-15-6569	Vehicle Allowance/Moving Exp	6,000.00	10,800.00	8,500.00	15,600.00
100-15-6570	Travel	5,074.99	5,000.00	417.29	5,000.00
100-15-6571	Mileage	0.00	0.00	0.00	1,000.00
100-15-6572	Training	4,803.38	5,000.00	4,199.23	5,000.00
100-15-6581	Refunds	695.00	2,000.00	825.00	2,000.00
100-15-6589	Records Management	(1,044.65)	1,500.00	2,239.00	2,600.00
100-15-6651	Postage	916.50	1,000.00	1,101.53	1,500.00
100-15-6700	Bad Debt Expense	0.00	0.00	0.00	0.00

**CITY OF WIMBERLEY GENERAL FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
100-15-6701	Interest and Sinking Transfer Out (Oak Drive)	124,395.00	124,395.00	0.00	124,000.00
100-15-6990	Operating Transfer Out	196,659.88	0.00	0.00	0.00
	Subtotal	499,623.71	286,079.00	464,059.28	326,000.00
	Total Administration	1,021,406.30	690,290.00	771,633.97	727,450.00
Legal					
	<u>Other Services & Charges</u>				
100-16-6350	Legal	54,711.85	100,000.00	42,478.45	80,000.00
	Subtotal	54,711.85	100,000.00	42,478.45	80,000.00
	Total Legal	54,711.85	100,000.00	42,478.45	80,000.00
Council/Board					
	<u>Other Services & Charges</u>				
100-17-6320	Financial (Contract Svs)	15,358.75	16,200.00	17,081.25	17,000.00
100-17-6330	Audit	19,738.00	20,000.00	24,685.00	25,000.00
100-17-6340	Technology Consultant	0.00	0.00	0.00	0.00
100-17-6382	Social Services Support	0.00	0.00	0.00	5,000.00
100-17-6533	Public Information	0.00	0.00	0.00	0.00
100-17-6541	Public Relations/Receptions	8,279.45	8,000.00	6,954.36	8,000.00
100-17-6572	Training	9,785.78	8,000.00	6,488.47	8,000.00
100-17-6590	Elections	0.00	6,500.00	0.00	6,500.00
100-17-6591	Planning	57,500.00	25,000.00	14,100.00	15,000.00
100-17-6595	Code Revisions	12,500.00	35,000.00	19,000.00	15,000.00
	Subtotal	123,161.98	118,700.00	88,309.08	99,500.00
	Total Council/Board	123,161.98	118,700.00	88,309.08	99,500.00
Building					
	<u>Other Services & Charges</u>				
100-18-6360	Contract Inspections	42,616.25	35,000.00	28,781.25	35,000.00
100-18-6582	Site Plan Reviews	6,022.50	8,000.00	7,350.00	10,000.00
	Subtotal	48,638.75	43,000.00	36,131.25	45,000.00
	Total Building	48,638.75	43,000.00	36,131.25	45,000.00
Public Safety					
	<u>Personnel Services</u>				
100-21-6170	Public Safety Salaries	0.00	58,240.00	0.00	0.00
100-21-6210	Benefits - Health/Dental/Vision/Life	0.00	19,350.00	0.00	0.00
100-21-6220	Payroll Taxes	0.00	4,455.00	0.00	0.00
100-21-6230	TMRS Contribution	0.00	3,815.00	0.00	0.00
100-21-6250	Unemployment Compensation	0.00	141.00	0.00	0.00
100-21-6251	Workers Compensation	0.00	239.00	0.00	0.00
	Subtotal	0.00	86,240.00	0.00	0.00
	<u>Supplies and Maintenance</u>				
100-21-6431	Vehicle Maint/Insurance	0.00	1,000.00	0.00	0.00
100-21-6583	Fuel	0.00	5,000.00	0.00	0.00
100-21-6610	General Operating Supplies	0.00	3,000.00	0.00	0.00
	Subtotal	0.00	9,000.00	0.00	0.00
	<u>Other Services & Charges</u>				

**CITY OF WIMBERLEY GENERAL FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
100-21-6370	Contract Services	10,085.00	5,000.00	240.00	5,000.00
100-21-6371	Sanitarian (Contract Labor)	20,000.00	60,000.00	50,000.00	60,000.00
100-21-6373	Animal Control	6,000.00	6,000.00	0.00	6,000.00
100-21-6375	Safety - Traffic Direction	22,010.00	30,000.00	20,100.00	30,000.00
100-21-6572	Training	0.00	1,500.00	0.00	0.00
100-21-6574	Event Services	0.00	5,000.00	0.00	0.00
100-21-6794	Capital Outlay - Equipmt/Other	17,326.58	20,000.00	0.00	0.00
	Subtotal	75,421.58	127,500.00	70,340.00	101,000.00
	Total Public Safety	75,421.58	222,740.00	70,340.00	101,000.00

Municipal Court

Supplies & Maintenance

100-25-6610	General Operating Supplies	516.96	750.00	0.00	0.00
100-25-6791	Capital Outlay - Technology	0.00	1,000.00	0.00	0.00
	Subtotal	516.96	1,750.00	0.00	0.00

Other Services & Charges

100-25-6270	Annual/Assoc Dues	0.00	25.00	0.00	0.00
100-25-6380	MC Judge (Contract Labor)	3,999.96	4,000.00	333.33	0.00
100-25-6381	City Prosecutor	0.00	3,000.00	0.00	0.00
100-25-6532	Office Tech/Software	0.00	5,500.00	0.00	0.00
100-25-6570	Travel	0.00	0.00	0.00	0.00
100-25-6572	Training	130.00	0.00	0.00	0.00
100-25-6651	Postage	0.00	0.00	0.00	0.00
	Subtotal	4,129.96	12,525.00	333.33	0.00
	Total Municipal Court	4,646.92	14,275.00	333.33	0.00

Public Works

Personnel Services

100-30-6100	Salaries & Wages Part-Time	432.00	0.00	0.00	0.00
100-30-6105	Salaries & Wages Full-Time	146,605.11	150,499.00	125,392.33	182,000.00
100-30-6210	Benefits - Health/Dental/Vision/Life	30,136.80	18,866.00	20,423.17	31,500.00
100-30-6220	Payroll Taxes	11,983.86	12,084.00	9,589.14	13,400.00
100-30-6230	TMRS Contribution	8,674.82	7,730.00	7,604.68	11,500.00
100-30-6250	Unemployment Compensation	127.47	382.00	27.00	400.00
100-30-6251	Workers Compensation	0.00	648.00	0.00	1,000.00
	Subtotal	197,960.06	190,209.00	163,036.32	239,800.00

Supplies & Maintenance

100-30-6431	Vehicle Maint/Insurance	1,624.57	2,000.00	5,881.81	2,000.00
100-30-6583	Fuel	4,096.05	3,500.00	3,880.21	4,500.00
100-30-6532	Office Tech/Software	3,054.10	2,000.00	478.24	12,000.00
100-30-6610	General Operating Supplies	2,690.72	2,000.00	2,295.63	2,500.00
100-30-6612	Tools	138.29	500.00	539.10	500.00
	Subtotal	11,603.73	10,000.00	13,074.99	21,500.00

Other Services & Charges

100-30-6270	Annual/Assoc Dues	174.75	250.00	141.00	250.00
100-30-6370	Contract Services	19,462.50	15,000.00	4,136.31	35,000.00
100-30-6443	Equipment Rent/Right-To-Use Lease	0.00	0.00	0.00	6,000.00
100-30-6569	Vehicle Allowance	0.00	0.00	0.00	4,800.00

**CITY OF WIMBERLEY GENERAL FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
100-30-6570	Travel	0.00	1,500.00	122.58	1,500.00
100-30-6571	Mileage	0.00	300.00	0.00	300.00
100-30-6572	Training	2,310.00	3,000.00	1,940.57	3,000.00
100-30-6794	Capital Outlay - Equipmt/Other	34,171.31	7,000.00	2,513.12	0.00
	Subtotal	56,118.56	27,050.00	8,853.58	50,850.00
	Total Public Works	265,682.35	227,259.00	184,964.89	312,150.00

Public Works - Roads

Supplies & Maintenance

100-31-6432	Road Maintenance	79,977.84	80,000.00	27,072.88	80,000.00
100-31-6433	Equipment Maintenance	49.99	250.00	241.00	500.00
100-31-6584	Mowing/Trimming	1,550.00	5,000.00	766.72	3,000.00
100-31-6611	Signs/Barricades	12,489.95	5,000.00	3,357.09	3,000.00
	Subtotal	94,067.78	90,250.00	31,437.69	86,500.00

Other Services & Charges

100-31-6370	Contract Services	713.50	0.00	66,755.00	0.00
100-31-6372	Survey Services	0.00	0.00	0.00	0.00
100-31-6470	Engineering - Roads	10,700.00	15,000.00	28,337.50	15,000.00
100-31-6792	Capital Outlay - Fish Weir	0.00	0.00	0.00	20,000.00
100-31-6795	Capital Outlay - Roads	0.00	0.00	0.00	200,000.00
	Subtotal	11,413.50	15,000.00	95,092.50	235,000.00
	Total Public Works - Roads	105,481.28	105,250.00	126,530.19	321,500.00

Public Works - Water/Wastewater

Supplies & Maintenance

100-33-6586	Quality Testing WW	930.00	0.00	1,437.00	2,000.00
100-33-6588	Public Restroom WW	63,506.75	0.00	14,821.82	0.00
	Subtotal	64,436.75	0.00	16,258.82	2,000.00

Other Services & Charges

100-33-6561	State Sanitations Fees	0.00	0.00	0.00	0.00
100-33-6793	Capital Outlay - RR Trailer	0.00	0.00	0.00	0.00
	Subtotal	0.00	0.00	0.00	0.00
	Total Public Works-Water/Wastewater	64,436.75	0.00	16,258.82	2,000.00

Community Center

Personnel Services

100-51-6100	Salaries & Wages Part-Time	12,189.26	20,000.00	17,091.86	39,000.00
100-51-6105	Salaries & Wages Full-Time	46,133.69	49,920.00	46,709.47	55,000.00
100-51-6210	Benefits - Health/Dental/Vision/Life	10,624.56	9,500.00	7,067.61	10,500.00
100-51-6220	Payroll Taxes	4,265.93	3,820.00	4,434.73	7,800.00
100-51-6230	TMRS Contribution	2,697.19	3,270.00	2,571.71	3,700.00
100-51-6250	Unemployment Compensation	72.16	121.00	40.23	200.00
100-51-6251	Workers Compensation	0.00	205.00	0.00	3,500.00
	Subtotal	75,982.79	86,836.00	77,915.61	119,700.00

Supplies & Maintenance

100-51-6410	Utilities	24,799.55	20,000.00	15,757.74	24,000.00
100-51-6430	Bldg Repairs/Maintenance	14,876.98	20,000.00	9,552.39	20,000.00
100-51-6443	Equipment Rent/Right-To Use Lease	0.00	0.00	0.00	1,500.00
100-51-6521	Security System	1,264.47	1,500.00	899.91	0.00

**CITY OF WIMBERLEY GENERAL FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
100-51-6610	General Operating Supplies	2,538.86	2,500.00	5,555.38	4,000.00
100-51-6660	Office Supplies	134.03	300.00	816.78	300.00
100-51-6797	Capital Outlay - Facilities	0.00	10,000.00	0.00	10,000.00
	Subtotal	43,613.89	54,300.00	32,582.20	59,800.00
100-51-6270	Annual/Assoc Dues	222.18	200.00	274.87	200.00
100-51-6370	Contract Services	2,880.75	2,000.00	1,567.00	500.00
100-51-6411	Telephones	2,083.85	2,500.00	2,162.58	0.00
100-51-6532	Office Tech/Software	2,058.94	2,000.00	3,252.93	2,000.00
100-51-6540	Advertising	1,853.00	2,500.00	709.00	2,500.00
100-51-6541	Public Relations/Receptions	0.00	0.00	0.00	0.00
100-51-6551	Printing	39.77	100.00	0.00	100.00
100-51-6616	Programs	0.00	10,000.00	586.83	10,000.00
100-51-6651	Postage	0.00	50.00	0.00	50.00
100-51-6794	Capital Outlay - Equipmt/Other	0.00	0.00	3,305.91	0.00
	Subtotal	9,138.49	19,350.00	11,859.12	15,350.00
	Total Community Center	128,735.17	160,486.00	122,356.93	194,850.00
Parks					
	<u>Supplies & Maintenance</u>				
100-52-6410	Utilities	1,854.38	8,000.00	4,934.39	5,000.00
100-52-6430	Bldg Repairs/Maintenance	534.35	2,500.00	1,400.44	2,500.00
100-52-6585	Nature Trail/Old Baldy	1,490.71	1,000.00	687.28	1,000.00
100-52-6610	General Operating Supplies	0.00	1,000.00	819.40	1,000.00
	Subtotal	3,879.44	12,500.00	7,841.51	9,500.00
	Total Parks	3,879.44	12,500.00	7,841.51	9,500.00
Total Expenditures		1,896,202.37	1,694,500.00	1,467,178.42	1,892,950.00
Total Revenues		2,302,759.15	1,860,500.00	1,778,944.17	1,892,950.00
Excess (Deficit)		406,556.78	166,000.00	311,765.75	0.00

CITY OF WIMBERLEY BLUE HOLE FUND
FY2024 BUDGET (v.2)

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>Tax Revenue</u>				
200-52-5472	Reservations/Gate Fees	469,276.90	512,770.00	440,437.50	546,000.00
200-52-5474	Facility Rentals	22,140.00	30,000.00	18,290.00	30,000.00
200-52-5476	Special Events	78,701.70	80,000.00	68,504.00	150,000.00
200-52-5479	Vending/Merchandise	8,748.18	8,000.00	10,256.99	8,000.00
	Subtotal	578,866.78	630,770.00	537,488.49	734,000.00
	<u>Interest</u>				
200-52-5611	Interest Revenues	553.10	150.00	1,611.05	900.00
	Subtotal	553.10	150.00	1,611.05	900.00
	<u>Other Income</u>				
200-52-5701	Other/Misc	(1,429.32)	6,400.00	5,898.37	6,000.00
200-52-5799	Operating Transfer In	8,271.56	0.00	0.00	0.00
200-52-5900	Designated Funds	0.00	0.00	7,100.00	0.00
	Subtotal	6,842.24	6,400.00	12,998.37	6,000.00
	Total Revenues	586,262.12	637,320.00	552,097.91	740,900.00
Expenditures					
Parks					
	<u>Personnel Services</u>				
200-52-6100	Salaries & Wages Part-Time	125,355.05	149,042.00	129,570.45	160,000.00
200-52-6102	Overtime Pay	531.69	0.00	11.25	0.00
200-52-6105	Salaries & Wages Full-Time	186,673.89	262,600.00	193,354.55	309,000.00
200-52-6210	Health Care	37,550.31	56,201.00	30,789.28	63,000.00
200-52-6220	Payroll Taxes	23,013.08	20,089.00	24,695.42	24,000.00
200-52-6230	TMRS Contribution	12,159.92	17,200.00	12,865.20	20,500.00
200-52-6250	Unemployment Compensation	578.16	635.00	171.83	1,000.00
200-52-6251	Workers Compensation	0.00	9,454.00	0.00	11,400.00
	Subtotal	385,862.10	515,221.00	391,457.98	588,900.00
	<u>Supplies and Maintenance</u>				
200-52-6374	Contract Services	36,038.20	20,000.00	33,555.20	30,000.00
200-52-6390	Miscellaneous	1,132.95	0.00	0.00	0.00
200-52-6410	Utilities	16,345.96	15,000.00	8,092.80	12,600.00
200-52-6431	Vehicle Maint/Insurance	1,197.14	6,540.00	6,768.30	2,000.00
200-52-6433	Equipment Maintenance	722.79	3,450.00	1,468.55	7,000.00
200-52-6584	Mowing/Trimming	0.00	0.00	110.00	0.00
200-52-6616	Programs	11,344.05	19,400.00	20,264.95	24,000.00
200-52-6610	General Operating Supplies	28,637.66	25,000.00	27,563.03	28,000.00
200-52-6613	Materials	4,820.91	5,100.00	2,065.87	5,000.00
200-52-6615	Bldg & Maint Supplies	3,278.91	2,040.00	2,257.95	3,500.00
200-52-6660	Office Supplies	777.34	500.00	900.01	1,000.00
	Subtotal	104,295.91	97,030.00	103,046.66	113,100.00
	<u>Other Service & Charges</u>				
200-52-6411	Telephones	2,499.60	2,400.00	2,705.42	0.00
200-52-6443	Equipment Rent/Right-To-Use Lease	2,226.02	1,500.00	2,774.13	11,500.00
200-52-6532	Office Tech/Software	12,563.14	11,375.00	10,791.40	12,000.00
200-52-6562	BH CC Processing Fees	27,140.52	600.00	0.00	500.00
200-52-6569	Vehicle Allowance	0.00	0.00	0.00	4,800.00
200-52-6570	Travel	1,142.01	1,300.00	3,544.69	2,000.00
200-52-6571	Mileage	82.49	1,344.00	516.81	1,000.00

**CITY OF WIMBERLEY BLUE HOLE FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
200-52-6572	Training	1,500.00	2,500.00	5,155.00	3,000.00
200-52-6581	Refunds	2,511.67	1,000.00	8,049.50	1,000.00
200-52-6583	Fuel	3,675.16	3,000.00	2,567.03	3,000.00
200-52-6651	Postage	0.00	50.00	0.00	100.00
200-52-6794	Capital Outlay - Equipmt/Other	253,361.82	0.00	144,863.44	0.00
200-52-6990	Operating Transfer Out		0.00	0.00	0.00
	Subtotal	306,702.43	25,069.00	180,967.42	38,900.00
	Total Parks Expenditures	796,860.44	637,320.00	675,472.06	740,900.00
Total Expenditures		637,320.00	637,320.00	675,472.06	740,900.00
Total Revenue		586,262.12	637,320.00	552,097.91	740,900.00
Excess (Deficit)		(51,057.88)	0.00	(123,374.15)	0.00

**CITY OF WIMBERLEY WASTEWATER FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>Charges for Service</u>				
202-04-5400	WW Service Fee	331,510.36	324,000.00	652,197.94	377,000.00
	Subtotal	331,510.36	324,000.00	652,197.94	377,000.00
	<u>Interest</u>				
202-04-5611	Interest Revenues	112.74	75.00	133.56	500.00
	Subtotal	112.74	75.00	133.56	500.00
	<u>Other Income</u>				
202-04-5340	Grant Funds	0.00	0.00	0.00	0.00
202-04-5420	WW Penalties	0.00	0.00	598.14	500.00
	Subtotal	0.00	0.00	598.14	500.00
	Total Revenues	331,623.10	324,075.00	652,929.64	378,000.00
Expenditures					
Wastewater					
	<u>Supplies & Maintenance</u>				
202-04-6374	Contract Services	116,804.63	45,000.00	60,448.59	70,000.00
202-04-6390	Miscellaneous	800.00	0.00	0.00	0.00
202-04-6410	Utilities	29,883.83	13,000.00	37,371.74	50,000.00
202-04-6411	Telephones	682.27	1,000.00	0.00	0.00
202-04-6589	Records Management	0.00	0.00	0.00	0.00
202-04-6610	General Operating Supplies	0.00	11,675.00	2,938.10	10,000.00
	Subtotal	148,170.73	70,675.00	100,758.43	130,000.00
	<u>Other Services & Charges</u>				
202-04-6270	Annual/Assoc Dues	0.00	0.00	0.00	0.00
202-04-6532	Office Tech/Software	0.00	14,400.00	0.00	5,000.00
202-04-6701	Interest and Sinking Transfer Out	0.00	0.00	0.00	243,000.00
202-04-6792	Capital Outlay - Other	29,328.80	0.00	0.00	0.00
202-04-6799	Project Manager	5,580.00	0.00	0.00	0.00
202-04-6800	Depreciation	0.00	0.00	0.00	0.00
202-04-6900	Wastewater Debt Service - Prin	0.00	160,000.00	160,000.00	0.00
202-04-6901	Wastewater Debt Service - Int	0.00	79,000.00	84,087.00	0.00
202-04-6990	Operating Transfer Out	239,000.00	0.00	0.00	0.00
	Subtotal	273,908.80	253,400.00	244,087.00	248,000.00
	Total Wastewater Expenditures	422,079.53	324,075.00	344,845.43	378,000.00
Total Expenditures		422,079.53	324,075.00	344,845.43	378,000.00
Total Revenue		331,623.10	324,075.00	652,929.64	378,000.00
Excess (Deficit)		(90,456.43)	0.00	308,084.21	0.00

**CITY OF WIMBERLEY HOTEL OCCUPANCY TAX
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>Tax Revenue</u>				
205-15-5132	Hotel Occupancy Tax	323,188.30	1,000,000.00	558,665.84	700,000.00
205-15-5611	Interest Revenues	33.56	4,000.00	0.00	2,000.00
	Subtotal	323,221.86	1,004,000.00	558,665.84	702,000.00
	Total Revenues	323,221.86	1,004,000.00	558,665.84	702,000.00
Expenditures					
Administration					
	<u>Personnel Services</u>				
205-15-6100	Salaries & Wages Part-Time	0.00	0.00	0.00	0.00
205-15-6105	Salaries & Wages Full-Time	13,228.03	51,450.00	39,375.00	70,000.00
205-15-6210	Health Care	1,116.44	8,926.00	5,928.97	10,500.00
205-15-6220	Payroll Taxes	860.64	3,936.00	3,012.24	5,500.00
205-15-6230	TMRS Contribution	670.50	3,194.00	2,501.59	4,600.00
205-15-6250	Unemployment Compensation	6.76	118.00	6.75	100.00
205-15-6251	Workers Compensation	0.00	200.00	0.00	200.00
	Subtotal	15,882.37	67,824.00	50,824.55	90,900.00
	<u>Tourism Expenditures</u>				
205-15-6311	Hotel Occupancy Tax General Projects	0.00	110,076.00	66,460.85	54,000.00
205-15-6573	Transportation Shuttle	0.00	300,000.00	0.00	0.00
205-15-6973	Special Events	0.00	50,000.00	765.00	40,000.00
205-15-6974	Special Events Equipment	0.00	15,000.00	0.00	10,000.00
205-15-6975	Wayfinding Signage	0.00	50,000.00	0.00	25,000.00
205-15-6977	Lease Agreement	0.00	0.00	1,050.00	0.00
	Subtotal	0.00	525,076.00	68,275.85	129,000.00
	<u>Other Services & Charges</u>				
205-15-6270	Annual/Assoc Dues	1,459.00	2,000.00	3,435.00	9,000.00
205-15-6370	Contract Services	10,132.50	0.00	17,897.42	81,000.00
205-15-6532	Office Tech/Software	0.00	4,500.00	0.00	2,000.00
205-15-6540	Advertising	0.00	60,000.00	52,228.59	100,000.00
205-15-6541	Public Relations/Receptions	0.00	0.00	0.00	1,000.00
205-15-6551	Printing	0.00	0.00	5,929.81	20,000.00
205-15-6569	Vehicle Allowance	0.00	3,600.00	3,000.00	4,800.00
205-15-6570	Travel	1,381.72	2,000.00	3,147.78	4,000.00
205-15-6572	Training	730.00	0.00	4,612.70	5,000.00
205-15-6592	HOT Disbursements	0.00	300,000.00	0.00	50,000.00
	Subtotal	13,703.22	372,100.00	90,251.30	276,800.00
	<u>Supplies & Maintenance</u>				
205-15-6374	Contract Services	0.00	25,000.00	17,890.03	0.00
205-15-6410	Utilities	0.00	0.00	0.00	5,000.00
205-15-6430	Bldg Repairs/Maintenance	0.00	0.00	0.00	5,000.00
205-15-6443	Equipment Rent/Right-To-Use Lease	0.00	0.00	0.00	1,000.00
205-15-6610	General Operating Supplies	0.00	0.00	1,804.79	2,000.00
205-15-6651	Postage	0.00	0.00	0.00	100.00
205-15-6660	Office Supplies	0.00	0.00	232.32	2,000.00
205-15-6701	Interest and Sinking Transfer Out (Old Kyle Rd)	0.00	0.00	0.00	132,000.00
205-15-6791	Capital Outlay - Technology	0.00	0.00	1,950.96	0.00

**CITY OF WIMBERLEY HOTEL OCCUPANCY TAX
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
205-15-6792	Capital Outlay - Other	18,542.00	0.00	6,884.40	58,200.00
	Subtotal	18,542.00	25,000.00	28,762.50	205,300.00
	Total Hotel Occupancy Tax Fund Expenditures	48,127.59	990,000.00	238,114.20	702,000.00
Total Expenditures		48,127.59	990,000.00	238,114.20	702,000.00
Total Revenue		323,221.86	1,004,000.00	558,665.84	702,000.00
Excess (Deficit)		275,094.27	14,000.00	320,551.64	0.00

**CITY OF WIMBERLEY CAPITAL PROJECTS FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>Transfer In</u>				
300-30-5799	Operating Transfer In	0.00	0.00	0.00	0.00
	Subtotal	0.00	0.00	0.00	0.00
	Total	0.00	0.00	0.00	0.00
Expenditures					
	<u>Capital Outlay</u>				
300-30-6795	Capital Outlay - Roads	154,498.23	155,000.00	0.00	0.00
300-30-6801	Capital Outlay - Oak Drive Project	777,423.25	11,000.00	269,844.64	0.00
	Subtotal	931,921.48	166,000.00	269,844.64	0.00
	Total Capital Projects	931,921.48	166,000.00	269,844.64	0.00
Total Expenditures		931,921.48	166,000.00	269,844.64	0.00
Total Revenue		0.00	0.00	0.00	0.00
Excess (Deficit)		(931,921.48)	(166,000.00)	(269,844.64)	0.00

**CITY OF WIMBERLEY INTEREST SINKING FUND
FY2024 BUDGET (v.2)**

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>General Fund</u>				
400-10-6702	I&S General Fund Transfer In	124,395.00	124,395.00	0.00	124,000.00
	Subtotal	124,395.00	124,395.00	0.00	124,000.00
	<u>Wastewater Fund</u>				
400-10-6703	I&S Waste Water Transfer In	239,000.00	239,000.00	244,087.00	243,000.00
	Subtotal	239,000.00	239,000.00	244,087.00	243,000.00
	Total Revenues	363,395.00	363,395.00	244,087.00	367,000.00
Expenditures					
I&S Payments					
	<u>Tax Note 2021 Debt Service</u>				
400-10-6701	I&S Transfer Out	244,871.00	0.00	0.00	0.00
400-10-6704	Tax Note Series 2021 Debt Service Principal	113,000.00	113,000.00	115,000.00	116,000.00
400-10-6705	Tax Note Series 2021 Debt Service Interest	11,395.29	11,395.00	13,461.30	8,000.00
	Subtotal	369,266.29	124,395.00	128,461.30	124,000.00
	<u>Wastewater Debt Service</u>				
400-10-6900	Wastewater Debt Service - Prin	0.00	160,000.00	160,000.00	160,000.00
400-10-6901	Wastewater Debt Service - Int	0.00	79,000.00	84,087.00	83,000.00
	Subtotal	0.00	239,000.00	244,087.00	243,000.00
	Total Wastewater	369,266.29	363,395.00	372,548.30	367,000.00
	Total Expenditures	369,266.29	363,395.00	372,548.30	367,000.00
	Total Revenue	363,395.00	363,395.00	244,087.00	367,000.00
	Excess (Deficit)	(5,871.29)	0.00	(128,461.30)	0.00

CITY OF WIMBERLEY AMERICAN RESCUE PLAN FUND

FY2024 BUDGET (v.2)

Account #	Description	FY21-22 Actual	FY22-23 Adopted	Current YTD	FY23-24 Proposed
Revenues					
	<u>FY 2023</u>				
605-5905	American Rescue Plan	0.00	0.00	0.00	50,000.00
	Subtotal	0.00	0.00	0.00	50,000.00
	<u>FY 2022</u>				
605-5905	Fund Forward Balance	0.00	0.00	0.00	0.00
	Subtotal	0.00	0.00	0.00	0.00
	Total Revenues	0.00	0.00	0.00	50,000.00

Expenditures**American Rescue Plan**

	<u>Projects</u>				
605-05-6751	Outlay - Projects	92,903.47	0.00	69,923.00	50,000.00
	Total	92,903.47	0.00	69,923.00	50,000.00

APPENDIX A

CITY OF WIMBERLEY FEE SCHEDULE

ADMINISTRATIVE FEES

Reserved

BUILDING REGULATIONS

Residential Building Permit Fees

*Includes move-in of existing dwelling, enlargement, remodel, alteration, finish-out, major repair, enclosed garage, carport, deck, balcony, porch, swimming pool, hot tub, spa, etc., and electrical, mechanical, and plumbing work. Plan review, permit fees, and inspections billed separately.

		Current Fee	Proposed Fee
	Application Fee	\$25.00	\$50.00
	Plan Review	\$75.00	\$75.00
Building Permit Fees CURRENT (does not cover inspections or plan review)			
\$40 +	1-1450	\$0.25/per sq. ft	\$0.40/per sq. ft
	1451-3010	\$0.27/per sq. ft	\$0.35/per sq. ft
	3011+	\$0.30/per sq. ft	\$0.35/per sq.ft
	Trade Permits (mechanical, electrical, plumbing)	N/A	\$40
	Inspections	\$55.00/Each	\$55.00 per inspection and \$75.00 per reinspection
	Floodplain Permit Fee	\$45.00	\$100
Additional Building Permit Fees outlined below:			
	Dish, Amateur Radio Antenna	N/A	\$50.00
	Demolition or Move	N/A	\$50.00

Site Development Permit Fees

	Current Fee	Proposed Fee
Pre-Application Meeting Fee (cost put towards application fee if application is filed within twelve (12) months)	N/A	\$200.00
Application Fee	\$250.00	\$300.00
Engineer Reimbursement	Set by contractor	Set by contractor

Commercial Building Permit Fees

	Current Fee	Proposed Fee
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Pre-Application Meeting Fee (cost put towards permit fee if application is filed within twelve (12) months)	N/A	\$200
Application Processing Fee	\$25.00	\$50.00
Building Plan Review (Deposit)	\$190.00	\$200.00
Building Plan Review	\$95/hr	\$100/hr
Floodplain Permit Fee	\$90.00	\$100
Certificate of Occupancy	N/A	\$50
Inspections (New Structure, Remodel, Alterations to existing structure)	\$75.00 per inspection and re-inspection	\$75.00 per inspection and \$100.00 per re-inspection
Med-Gas (Commercial)	\$250.00 per inspection and re-inspection	\$250.00 per inspection and \$275.00 per re-inspection
Inspector's Consultation Fees	\$95.00 per hour, plus expenses	\$95.00 per hour, plus expenses

BUILDING PERMIT VALUATION FEE SCHEDULE	
Value of Construction	Fees
\$0.01 - \$15,000	\$60.00 for the first \$1,000 + \$5.00 for each additional thousand or fraction thereof, to and including \$15,000
\$15,001-\$50,000	\$130.00 for the first \$15,000 + \$4.00 for each additional thousand or fraction thereof, to and including \$50,000
\$50,001-\$100,000	\$270.00 for the first \$50,000 + \$3.50 for each additional thousand or fraction thereof, to and including \$100,000
\$100,001-\$500,000	\$445.00 for the first \$100,000 + \$2.75 for each additional thousand or fraction thereof, to and including \$500,000
\$500,001-\$1,000,000	\$1545.00 for the first \$500,000 + \$2.50 for each additional thousand or fraction thereof, to and including \$1,000,000
All valuations over \$1,000,000 shall be charged at the rate of 0.0028 times the total value	

Municode reference only – Art. 4.02 Division 3

Fire Review and Inspections

	Current Fee	Proposed Fee
Fire Suppression Permit Application	N/A	\$50
Fire Review and Inspections	Cost of service provided by 3 rd party contractor	Cost of service provided by 3 rd party contractor + 20% administration fee

Municode reference only – Art. 4.03

Other Building Regulation Fees

	Current Fee	Proposed Fee
Temporary Structure Permit	\$25.00/per structure	\$50
Temporary Structure Inspections	\$65.00	\$75
Fence Permit	\$65.00	\$75
Sign Permit		
Up to 12 Sq. Feet	\$25.00	\$30.00
Up to 16 Sq. Feet	\$35.00	\$40.00
Up to 24 Sq. Feet	\$45.00	\$50.00
Up to 32 Sq. Feet	\$60.00	\$65.00
Up to 48 Sq. Feet	\$75.00	\$85.00
Up to 64 Sq. Feet	\$100.00	\$120.00
Antenna Facilities Permit		

BUSINESS REGULATIONS

Alcoholic Beverage Fees

The schedule of fees published by the Texas Alcoholic Beverage Commission, as amended from time to time, are hereby adopted and approved. A copy shall be kept on file in the City Secretary's Office.

Municode reference only – Art. 5.02

Other Business Regulation Permits

	Current Fee	Proposed Fee
Peddler Permit	N/A	N/A
Tattoo & Body Piercing License Fee	N/A	N/A
Liquid Waste Hauler	N/A	N/A

Municode reference only – Art. 5.03, 5.05, 5.06

Filming Permit Fees

	Current Fee	Proposed Fee
Film Application Fee	\$25.00	No Change
Use of City Equipment & Personnel	N/A	N/A
Use of City-Owned Real Estate related to filming activities is listed as follows:		
	Current Fee	Proposed Fee
Activity	Cost Per Calendar Day (maximum of 12 hrs/day)	No Change
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500.00 per day	No Change
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250.00 per day	No Change
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50.00 per block, per day	No Change

Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25.00 per block, per day	No Change
Use of city parking lots, parking areas, and city streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50.00 per block or lot, per day	No Change

Municode reference only – Art. 5.07

EMERGENCY SERVICES FEES

Emergency Services

	Current Fee	Proposed Fee
Special Event Firework Permit	\$25.00	\$25.00

Municode reference only – Art. 6.04

HEALTH AND SANITATION FEES

Food Establishment Permit

	Current Fee	Proposed Fee
Food Permit (based on # of Employees)		
1 – 15 Employees	\$150.00	\$200
16 – 30 Employees	\$250.00	\$350
31 + Employees	\$350.00	\$425
Food Establishment Compliance Inspection (Inspection triggered by complaint)	\$75.00	\$100
Food Establishment Compliance Re-Inspection	\$125.00	\$150

Child/Adult Care, Church, and School Establishment Inspection Fee

Fee Based on Licensed # of Children				
Licensed # of Children	Fee w/o Food Prep (Current Fee)	Fee w/o Food Prep (Proposed Fee)	Fee w/Food Prep (Current Fee)	Fee w/Food Prep (Proposed Fee)
13 - 40	\$75.00		\$150.00	\$200
41 - 100	\$150.00		\$250.00	\$300
101 +	\$250.00		\$350.00	\$400

Additional Health and Sanitation Fees

	Current Fee	Proposed Fee
Child/Adult Care Sanitation Inspection (Includes facilities with fewer than 13 children/adults)	\$75.00	\$150
Mobile Food Unit	\$75.00/ 1 st Unit	\$200

Additional Mobile Food Units	\$50.00/ each add'l	
Seasonal Permit (valid for 10 months)-? 6 months	\$100.00	\$200
Change of Business Name	\$75.00	\$100
Establishment Plan Review	\$75.00	\$100
Food Establishment Variance	\$100.00	\$125
Plan Review & (2) Pre-Opening Inspections	\$350.00	\$350
Each additional pre-opening inspections	\$125.00	\$150
Special Event Food Vendor	\$25.00/per unit, per day	\$50
Annual Food Establishment Permit (Includes 2 inspections a year)	\$150.00-\$350.00	\$200-\$425
Annual Establishment and Inspection Late Fee (Fee for all establishments paid (30) days or more past the due date of January 31 st) (December 31)	\$20.00/accrues every (30) days past the due date	\$50/accrues every (30) days past the due date

Municode reference only – Art. 7.02

PLANNING AND DEVELOPMENT FEES

Planning, Zoning, and Subdivision Fees

		Current Fee	Proposed Fee
Floodplain Determination Letter		\$25	\$50
Preliminary Plat		\$600 + 50 acre	\$700 + \$100/acre
Final Plat		\$400 + 50 acre	\$500 + \$100/acre
Amending Plat/Short Form Plat/Plat Vacation		\$500 + \$50 acre	\$600 + \$100/acre
Variance		\$500	\$600
Board of Adjustment (BOA) Appeal Fee		\$100	\$200
Zoning Determination Letter		\$25	\$50
Conditional Use Permit		\$650.00	\$750
Conditional Use Permit Amendment		\$200.00	\$750
Zoning Change to:			
1	Single Family (SF)	\$450.00 + \$50.00/acre (\$1,500.00 max)	\$550.00 + \$100.00/acre
2	Multi-Family (MF)	\$575.00 + \$50.00/acre (\$1500.00 max)	\$675.00 + \$100.00/acre
3	Commercial	\$750.00 + \$50.00/acre (\$2,500.00 max)	\$850.00 + \$100.00/acre
4	Industrial	\$750.00 + \$50.00/acre (\$2,500.00 max)	\$850.00 + \$100.00/acre
Wimberley Planned Development District (WPDD)		\$2,000.00 + \$50.00/acre (\$4,000.00 max)	\$2,000.00 + \$100.00/acre
WPDD Amendment		\$750.00	\$750.00
Re-notification Fee		\$150.00	\$200.00
Fee-in-lieu-of parking spaces (pursuant to section 9.03.181(g)): The first three spaces shall require payment of \$5,000.00 per space. The next two spaces shall require payment of \$6,500.00 per space. Any additional spaces (above five) require payment of \$8,000.00 per space.			
# of Parking Spaces Needed		Current Fee	Proposed Fee
1		\$5,000.00	\$5,000.00
2		\$10,000.00	\$10,000.00
3		\$15,000.00	\$15,000.00
4		\$21,500.00	\$21,500.00
5		\$28,000.00	\$28,000.00
6		\$36,000.00	\$36,000.00
7		\$44,000.00	\$44,000.00
8		\$52,000.00	\$52,000.00
9		\$60,000.00	\$60,000.00
10		\$68,000.00	\$68,000.00

Municode reference only – Ch. 9

Certificate of Appropriateness Fees

	Current Fee	Proposed Fee
Architect Review Fee	N/A	Cost to be provided by city architect or city's contract service provider
Historic Preservation Officer (HPO) Review – Minor Projects (Includes signage, paint color, changes in color to awning fabric, exterior lighting, and mechanical equipment)	N/A	\$100.00
Historic Preservation Officer (HPO) – All other projects	N/A	\$150.00

6.007 Reserved. Parkland Dedication – Fee Payment in Lieu (TBD)

Municode reference only - Sec. 9.02.273

6.008 Reserved. Municipal Utility District Fees (TBD)

Municode reference only - Sec. 9.02.316

PARKS, RECREATION, AND COMMUNITY CENTER FEES

Wimberley Community Center Rental Rates

Monday – Thursday Rental Rates

Meeting Room	Size (sq. ft.)	Capacity	Deposit	Local Gov't Entity	Resident	Non-Resident	Commercial
Cypress	432	40	\$100.00	\$0.00	\$20.00	\$30.00	\$45.00
Blanco	864	80	\$100.00	\$0.00	\$30.00	\$50.00	\$65.00
Johnson Hall	3960	350	\$300.00	\$0.00	\$95.00	\$130.00	\$180.00
Senior Lounge	1282	85	\$100.00	\$0.00	\$40.00	\$60.00	\$75.00
Art Gallery	Not Available for Public Reservation						
Kitchen			\$100.00	\$0.00			\$50.00
Refundable Deposit is due at the time of booking. Remainder of the event rental is due 30 days before the event. Non-Profit Rate – 25% off rental fee Minimum 3-hour rental							

Add-ons:

• Food & Beverage/ Kitchen - \$100 • Unlimited Ice - \$25 • 42in Television - \$20 • Projector & Screen - \$20	• Audio (mic & speaker system) (JH) - \$20 • Up-Lighting - \$5 each (10 total) • String Lights (JH) - \$50 • Coffee/Tea Service – (Meetings <50 only) \$50
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Friday – Sunday & Holidays Rental Rates

Meeting Room	Size (sq. ft.)	Capacity	Deposit	Local Gov't Entity	Resident	Non-Resident	Commercial
Cypress	432	40	\$100.00	\$0.00	\$25.00	\$40.00	\$50.00
Blanco	864	80	\$100.00	\$0.00	\$40.00	\$60.00	\$75.00
Johnson Hall	3960	350	\$300.00	\$0.00	\$120.00	\$200.00	\$250.00
Senior Lounge	1282	85	\$100.00	\$0.00	\$50.00	\$75.00	\$90.00
Art Gallery	Not Available for Public Reservation						

Kitchen			\$100.00	\$0.00			\$50.00
Refundable Deposit is due at the time of booking. Remainder of the event rental is due 30 days before the event. Non-Profit Rate – 25% off rental fee Minimum 3-hour rental							

Add-ons:

• Food & Beverage/ Kitchen - \$100 • Unlimited Ice - \$25 • 42in Television - \$20 • Projector & Screen - \$20	• Audio (mic & speaker system) (JH) - \$20 • Up-Lighting - \$5 each (10 total) • String Lights (JH) - \$50 • Coffee/Tea Service – (Meetings <50 only) \$50
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Municode reference only – Sec. 10.02.001

Park Facility Reservation/Use Fees and Deposits:

(1) Blue Hole Regional Park Facility Reservation Rates

FACILITY	FEES		*DEPOSIT REQUIRED
	Resident	Non-Resident	
Swimming Area	Weekday \$100/hour Weekend \$150/hour	Weekday \$125/hour Weekend \$200/hour	\$100.00
Pavilion	\$30/hour	\$60/hour	\$100.00
Amphitheater	\$20/hour	\$40/hour	\$100.00
Recreation Loop Picnic Area	\$20/hour	\$40/hour	\$100.00
Volleyball Court	\$5/hour	\$10/hour	\$0.00
Basketball Court	\$5/ hour	\$10/hour	\$0.00
Fire Pit	\$5/hour	\$10/hour	\$0.00
Add-ons – Tables & Chairs \$100.00 3-hour minimum on all rentals is required. All facilities are available until dark *Refundable Deposit (please allow 10-14 days after the day of the event for your deposit to be refunded)			

(2) Blue Hole Regional Park Wedding Reservation Rates

	WEEKDAY RESERVATIONS		
FACILITY	FEES		*DEPOSIT REQUIRED
	Resident	Non-Resident	
Swimming Area	Off-Season \$200/hour In-Season \$250/hour	Off-Season \$225/hour In-Season \$275/hour	\$100.00
Pavilion	\$200/hour	\$225/hour	\$100.00
Amphitheater	\$125/hour	\$150/hour	\$100.00
Overlook	\$75/hour	\$100/hour	\$100.00

	WEEKEND RESERVATIONS		
FACILITY	FEES		*DEPOSIT REQUIRED
	Resident	Non-Resident	
Swimming Area	Off-Season \$250/hour In-Season \$300/hour	Off-Season \$300/hour In-Season \$350/hour	\$100.00
Pavilion	\$250/hour	\$300/hour	\$100.00
Amphitheater	\$175/hour	\$225/hour	\$100.00
Overlook	\$100/hour	\$150/hour	\$100.00
Off-Season → October 1 st – April 30 th In-Season → May 1 st – September 30 th 3-hour minimum on all rentals is required. All facilities are available until dark \$100 discount available for combining 2 facilities *Refundable Deposit (please allow 10-14 days after the day of the event for your deposit to be refunded)			

(3) Martha Knies Community Park Facility Reservation Rates

	WEEKDAY RESERVATIONS		
FACILITY	FEES		*DEPOSIT REQUIRED
	Resident	Non-Resident	
Pavilion	\$30/hour	\$60/hour	\$100.00
Add-ons – Tables & Chairs \$100.00 3-hour minimum on all rentals is required. All facilities are available until dark *Refundable Deposit (please allow 10-14 days after the day of the event for your deposit to be refunded)			

(4) Oak Park Facility Reservation Rates

	WEEKDAY RESERVATIONS		
FACILITY	FEES		*DEPOSIT REQUIRED
	Resident	Non-Resident	
Park Lawn	\$30/hour	\$60/hour	\$100.00
Add-ons – Tables & Chairs \$100.00 3-hour minimum on all rentals is required. All facilities are available until dark *Refundable Deposit (please allow 10-14 days after the day of the event for your deposit to be refunded)			

(5) Blue Hole Nature Camp Rates

Rate Type	Session Price	Deposit	Total Weekly Price
Resident	\$100.00	\$50.00	\$150.00
Non-Resident	\$100.00	\$50.00	\$200.00
*CIT	\$25.00	\$50.00	\$75.00
Spring Break Camp	\$150.00	\$50.00	\$200.00

(6) Proposed Blue Hole Nature Camp Rates

Rate Type	Session Price	Deposit	Total Weekly Price
Resident	\$250.00	\$50.00	\$300.00
Non-Resident	\$300.00	\$50.00	\$350.00
*CIT	\$100.00	\$50.00	\$150.00
Spring Break Camp	\$150.00	\$50.00	\$200.00

(7) Wimberley Summer Camp Rates

Rate Type	Session Price	Deposit	Total Weekly Price
Resident	\$150.00	\$50.00	\$200.00
Non-Resident	\$200.00	\$50.00	\$250.00

All pricing is per registration per week.

All campers are required to be at least 6 years of age before the first day of camp and no older than 12 years of age.

*Counselor In Training Program must be no younger than 13 and no older than 15 years of age.

Cancellations & Refund Policy

- Cancellations must be received in writing.
- The cancellation policy is based on when we receive written notification.
- More than 30 days before the first day of camp – Full refund
- 7-30 days before the first day of camp- \$25 cancellation fee.
- less than 7 days before the first day of camp- No refund.
- Medical cancellations- A Full refund will be given when doctor's verification is presented prior to the start of camp.
- Full payment is due one week before the start of each camp session. If payment is not collected, your registration is subject to removal from camp without refund.
- No refunds will be administered due to weather conditions.
- Camp deposit is not transferable to different weeks and/or campers.
- If your camper will miss one or more days within the week, the City does not pro-rate the camp fee; nor will you get a refund for the days your camper missed.
- If the City decides to cancel camp due to extenuating circumstances including COVID-19 exposure full refunds will be issued.

(8) Blue Hole Day Passes

	Current Fee	Proposed Fee
Adult	\$12.00	\$12.00
Youth	\$6.00	\$8.00
Senior	\$6.00	\$8.00
Military	\$6.00	\$8.00

Wimberley Resident	\$6.00	\$6.00
Wimberley Nights	\$2.00	\$2.00

(9) Blue Hole Season Passes

	Current Fee	Proposed Fee
Adult	\$120.00	\$150.00
Youth	\$60.00	\$125.00
Senior	\$60.00	\$125.00
Military	\$60.00	\$125.00
Wimberley Resident	\$60.00	\$100.00
Season Pass Replacement	\$10.00	\$10.00

(10) Swimming Pass Add-Ons

	Current Fee	Proposed Fee
Picnic Tables	\$20.00	\$20.00
Umbrellas	\$20.00	\$20.00

(11) Film/ Photography Rates

	Current Fee	Proposed Fee
One Day	\$500.00	\$500.00
One Day Non-Profit	\$300.00	\$300.00
Two Day	\$1,000.00	\$1,000.00

UTILITY SERVICE FEES

Wastewater (Sewer) Connection Fees.

The following fees shall be charged:

- (a) Monthly base charge for residential wastewater services (3/4-inch line) \$50.00
- (b) Monthly base charge for residential wastewater services (3/4-inch multi-meter) \$67.00
- (c) Monthly base charge for commercial wastewater services shall be based on the following:

	Current Fee	Proposed Fee
¾-inch meter	\$67.00	73.70
¾-inch multi-meter	\$100.50	110.55
1-inch meter	\$167.50	184.25
1.5-inch meter	\$335.00	368.50
2-inch meter	\$536.00	589.60
3-inch meter	\$1,005.00	1105.50
4-inch meter	\$1,675.00	1842.50

Monthly Volumetric Charge:

Category Volume (per gallon)		Residential Rates (per thousand)	Commercial Rates (per thousand)
1	0—2,000	\$0.00	\$0.00
2	2,001—4,000	\$3.60	\$8.25
3	4,001—6,000	\$4.32	\$10.25
4	6,001—8,000	\$5.18	\$13.50
5	8,001—10,000	\$6.22	\$16.88
6	10,001—15,000	\$7.46	\$21.94
7	15,001—20,000	\$8.96	\$28.52
8	20,001 +	\$10.75	\$37.07

Proposed Monthly Volumetric Charge:

Category Volume (per gallon)		Residential Rates (per thousand)	Commercial Rates (per thousand)
1	0—2,000	\$0.00	\$0.00
2	2,001—4,000	\$3.60	\$9.08
3	4,001—6,000	\$4.32	\$11.28
4	6,001—8,000	\$5.18	\$14.85
5	8,001—10,000	\$6.22	\$18.57
6	10,001—15,000	\$7.46	\$24.13
7	15,001—20,000	\$8.96	\$31.37
8	20,001 +	\$10.75	\$40.78

Municode reference only - Sec.12.02.033

Additional Utility Service Fees

	Current Fee	Residential Proposed Fee	Commercial Proposed Fee
Tap Fees	N/A	Cost estimate to be provided by city engineer or city's contract service provider; fee shall be equal to the total cost of installation, including materials, equipment, and labor + 20% administrative fee	Must do their own wastewater tap by a licensed and bonded contractor.
Additional Taps	N/A	Cost estimate to be provided by city engineer or city's contract service provider; fee shall be equal to the total cost of installation, including materials, equipment, and labor	Must do their own wastewater tap by a licensed and bonded contractor.
Reconnection/Disconnection Fee	\$50.00	No Change	\$50.00
Returned Check Charge	\$25.00	\$30.00	\$30.00
Customer Deposit	\$50.00	\$150	\$250.00

Residential Wastewater Fees

	Current Fee	Proposed Fee
Application Fee	\$25.00	\$50.00

Commercial Wastewater Fees

	Current Fee	Proposed Fee
Application Fee	\$25.00	\$50.00

Municode reference only - Sec.12.02.033

On-Site Sewage Facility (OSSF) Fees

	Current Fee	Proposed Fee
Single-Family Residential (SFR) <i>(Standard System) Permit Application Fee</i> <i>(includes up to 3 inspections)</i>	\$410.00	\$575.00
Single-Family Residential (SFR) <i>(Engineered System)</i>	\$450.00	\$625.00
Commercial Engineered System	\$750.00	\$800.00
TCEQ On-Site W/W Treatment Research (per permit) State/Council Fees added to ALL and each permit	\$10.00	\$10.00
Amendment/Engineer Adjustment to OSSF		
Residential	\$200.00	\$250.00
Commercial	\$400.00	\$450.00
Re-Submission and/or Re-inspection Fees Incomplete apps will be charged this fee	\$125.00	\$200.00
OSSF Certification	\$125.00	\$200.00
Waiver/Variance Request	\$500.00	\$500.00
Pre-Application Conference <i>(per hour, one hour minimum)</i>	\$50.00	\$100.00

Municode reference only - Sec.12.03.009