



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR PLANNING AND ZONING COMMISSION MEETING

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

THURSDAY, FEBRUARY 8, 2024 - 6:00 PM

AGENDA

1. **CALL TO ORDER**

February 8, 2024, at 6:00 PM

2. **CALL OF ROLL**

3. **CITIZENS COMMUNICATIONS**

This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.

4. **MINUTES**

- 4.1. Consider approval of the January 11, 2024, Regular Planning & Zoning Commission meeting minutes.

5. **PUBLIC HEARING AND POSSIBLE ACTION**

- 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-24-001, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 105 Oak Dr, Wimberley, TX.
- 5.2. Hold a public hearing and consider making a recommendation to City Council regarding case ZA-24-001, an application for a Zoning Amendment to change the zoning from Rural Residential (R1) to Single-Family Residential (R2) for a property located at 263 Blanco Dr, Wimberley, TX.
- 5.3. Hold a public hearing and consider making a recommendation to City Council regarding amendments to Article 4.10 of the Wimberley Code of Ordinances regulating antenna facilities.
- 5.4. Hold a public hearing and consider possible action regarding case COA-24-003, an application for a Certificate of Appropriateness for exterior alterations to a property located at 151 Old Kyle Rd, Wimberley, TX.

6. **DISCUSSION AND POSSIBLE ACTION**

- 6.1. Discuss and consider possible action on a replat of Lot 1 and Vacated Preston Road of the Riverledge Estates subdivision, establishing Lot 1A of Riverledge Estates, located at 100 Deer Crossing Ln, Wimberley, TX 78676 (HAYSCAD # R39983).
- 6.2. Hold a discussion and consider making a recommendation to City Council regarding an Ordinance amendment that amends Chapter 4, Article 4.04 -Temporary Structures, of the City of Wimberley Code of Ordinances.

7. **BOARD MEMBER REPORTS**

- 7.1. Announcements
- 7.2. Future Agenda Items

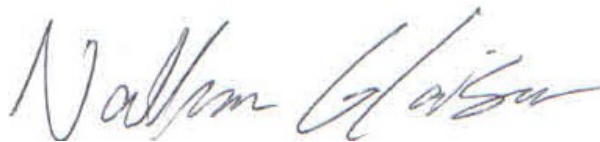
8. **ADJOURNMENT**

EXECUTIVE SESSION NOTE: The Planning and Zoning Commission 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.

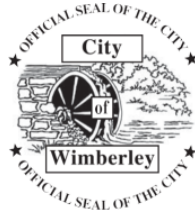
CERTIFICATION

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 Monday, February 5, 2024, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Nathan Glaiser
Director of Planning & Public Works

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.





City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR PLANNING AND ZONING COMMISSION MEETING

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

THURSDAY, JANUARY 11, 2024 - 6:00 PM

MINUTES

1. **CALL TO ORDER** January 11, 2024, at 6:00 PM

Chair Austin Weeks called the meeting to order at 6:01 p.m.

2. **CALL OF ROLL**

Commissioners Present:

Austin Weeks, Chair

David Hester

Bob Clark

Vance McCracken

Jerry Lunow

Michael Rambo

Anne Ulfelder, Vice Chair Arrived at 6:02 p.m.

Staff Present:

Nathan Glaiser, Planning and Public Works Director

Alexis Esparza, Permit Coordinator

Lee Simmons, City Attorney

3. **CITIZENS COMMUNICATIONS**

This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.

There were no citizen comments.

4. **MINUTES**

- 4.1. Consider approval of the December 14, 2023, Regular Planning & Zoning Commission meeting minutes.

A motion was made to approve the Regular Planning and Zoning Commission meeting minutes by

Commissioner McCracken, seconded by Commissioner Clark. The motion passed unanimously (7-0).

5. PUBLIC HEARING AND POSSIBLE ACTION

- 5.1.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-018, an application for a Conditional Use Permit to install a transmitter tower at 111 Old Kyle Rd, Wimberley, Texas.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-018, a Conditional Use Permit application that would allow for the installation of a transmitter tower on a property located at 111 Old Kyle Rd, Wimberley, Texas.

Mathew Mendoza and Thomas, the applicants, spoke in support of the request and answered questions presented by the commissioners.

Chair Weeks opened the Public Hearing at 6:27 p.m. There being no comments, the public hearing was closed at 6:27 p.m.

Upon completion of discussion, a motion was made by Commissioner Clark, seconded by Commissioner Rambo to approve a recommendation to City Council on case CUP-23-018, a Conditional Use Permit application that would allow for the installation of a transmitter tower on a property located at 111 Old Kyle Rd, Wimberley, Texas with the condition of a maximum height, approval of the amendment of article 4.10 and the tower be removed if broadcasting ever ceases. The motion carries (6-0-1)

- 5.2.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-019, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 105 A & 105 B, Old Kyle Rd, Wimberley, TX.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-019, a Conditional Use Permit application that would allow for the operation of a Vacation Rental (STR2) on a property located at 105 A & 105 B Old Kyle Rd, Wimberley, Texas.

Russel Whisler, the applicant, spoke in support of the request and answered questions presented by the commissioners.

Chair Weeks opened the Public Hearing at 6:50 p.m. There being no comments, the Public Hearing was closed at 6:51 p.m.

Upon completion of discussion, a motion was made by Commissioner McCracken, seconded by Commissioner Ulfelder to approve a recommendation to City Council on case CUP-23-019, an application for a conditional use permit to allow for the operation of a Vacation Rental (STR2) on a property located at 105 A & 105 B Old Kyle Rd, Wimberley, Texas. The motion carries unanimously (7-0)

- 5.3.** Hold a public hearing and consider possible action regarding case COA-24-001, an application for a certificate of appropriateness for the construction of a new structure located at 220 Old Kyle, Wimberley, Texas.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case COA-24-001, an application for a certificate of appropriateness for the construction of a new structure located at 220 Old Kyle, Wimberley, Texas.

Susanne Oliver, the applicant, spoke in support of the request and answered questions presented by the commissioners.

Chair Weeks opened the Public Hearing at 7:01 p.m. There being no comments, the public hearing was

closed at 7:02 p.m.

Upon completion of discussion, a motion was made by Commissioner Lunow, seconded by Commissioner McCracken to approve a recommendation to City Council on case COA-24-001, an application for a certificate of appropriateness for the construction of a new structure located at 220 Old Kyle, Wimberley, Texas. The motion carries unanimously (7-0).

- 5.4. Hold a public hearing and consider making a recommendation to City Council regarding an amendment to the Historic District Design Guidelines regarding the review process of certain property alterations.

Nathan Glaiser, Planning and Public Works Director, discussed the current Historic District Design Guidelines and recommended changes that should be made for staff approval. The list of changes is as follows: staff approval of Fences and Signs, and the removal of "Outdoor heaters, televisions, mounted electric equipment and similar items".

Upon completion of discussion, a motion was made by Commissioner McCracken, seconded by Commissioner Ulfelder, to recommend changes to the Historic District Design Guidelines. The following changes should be made for staff approval: fences, signs, and televisions, mounted electric equipment and similar items. The following should be removed entirely: Outdoor heaters. The motion carried unanimously (7-0).

6. **BOARD MEMBER REPORTS**

6.1. Announcements

There were no announcements.

6.2. Future Agenda Items

Glaiser mentioned to the Commissioners that an ordinance regarding the Tower Height would be brought back in February.

7. **ADJOURNMENT**

Chair Weeks adjourned the meeting at 7:11 p.m

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



AGENDA ITEM:	CUP-24-001 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	January 4, 2023
MEETING DATE:	February 8, 2024 (P&Z) / February 15, 2024 (City Council)

REPORT

ITEM

The applicant, Chris Oddo, has requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 105 Oak Dr, Wimberley. The property is .29 acres and zoned Commercial High Impact C3. There are two buildings on the property used for retail and STR. The applicants are requesting a short-term rental unit in the train caboose building toward the back of the property. They are requesting a maximum of 4 guest. There is available parking on the property. The property is connected to city sewer.

PROPERTY INFORMATION

Property Description

Applicant(s):	Chris Oddo
Property Address:	105 Oak Dr
Property Owner:	103 & 107 Oak LLC
Legal Description:	ABS 461 AMASA Turner Survey
Property Size:	.29Acres
Existing Use of Property:	Retail & STR2 – Caboose is vacant
Existing Zoning:	C3
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	V
Overlay District:	City Center – Historic Preservation Overlay District

Surrounding Property:

Frontage: Oak Dr

Surrounding Zoning & Land Use	North of Property	Current Zoning: C1	Existing Land Use: Commercial/Residential
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South of Property
East of Property
West of Property

C3
C3
C3/C1

Oak Park
Vacant
Commercial/Lodging

COMMENTS

Staff has not received any comments from citizens as of 2/8/2024.

RECOMMENDATION

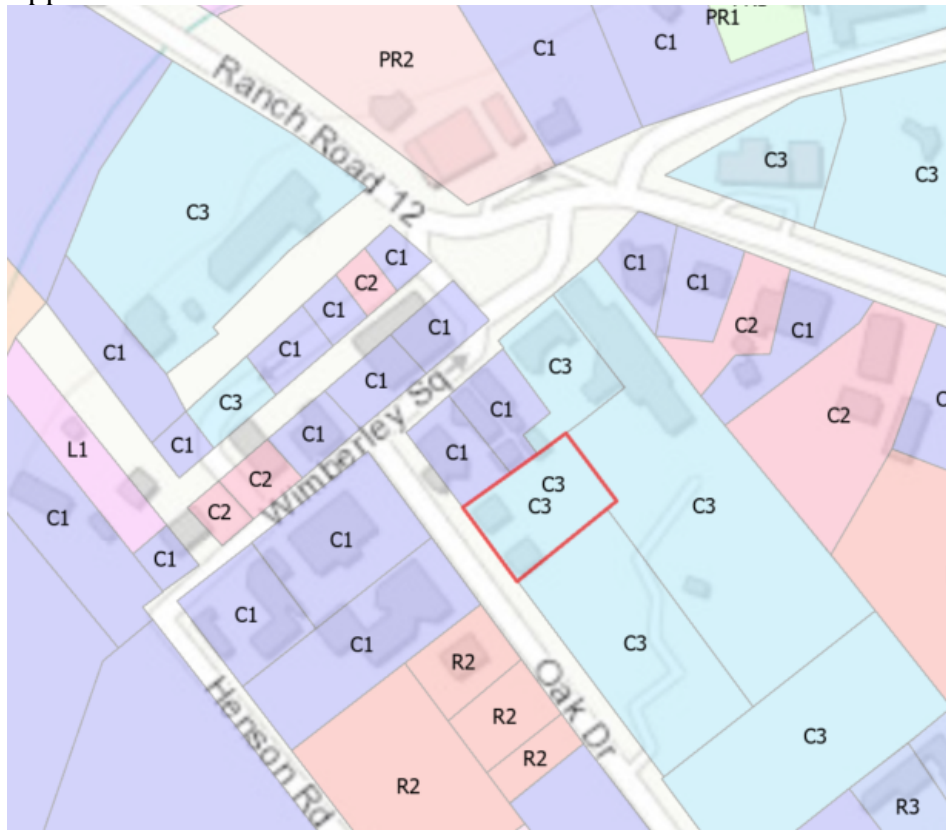
Staff defers to Planning and Zoning Commission for their recommendation.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): January 19, 2024
Published Legal Notice (Wimberley View): January 25, 2024

ATTACHMENT/S

- Application





Conditional Use Permit

Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

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

Applicant: Chris Dddo
Mailing Address: 700 Water Park Rd City: Wimberley State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: 103 & 107 OAK LLC
Mailing Address: 700 Water Park Rd City: Wimberley State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

PROJECT SITE ADDRESS: 105 Oak Dr., Wimberley TX. 78676
Legal description: ABS 461 AMASA TURNER SURVEY 0.29 ACRES
Total Acreage or Square Footage: 0.29 acres Deed recorded in: Hays County
Hays CAD Parcel ID R- 18462 Planning Area: — Zoning: C3
Is property located in an overlay district? ☒ Yes ☐ No If Yes, type: Historical preservation overlay district
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: Wimberley Water
Wastewater Service or Septic Permit No. City of Wimberley

*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: _____

1-3-24

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

OWNER: 103 & 107 OAK LLC

LOCATION OF PROPERTY: 105 OAK DR., WIMBERLEY, TX. 78676

LEGAL DESCRIPTION: See attached legal description

PLANNING AREA: _____ PRESENT ZONING: C3

EXISTING USE: Residential Rental

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 ☒ 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. 2 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 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: 1 **PROPOSED MAXIMUM OCCUPANCY:** 4 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 _____ 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.

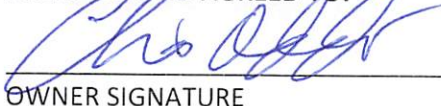
PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not, owner occupied) Owner agrees to always retain under contract a responsible local management company the property is used as 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.

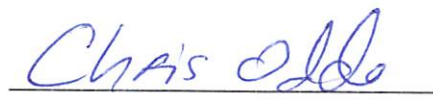
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the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

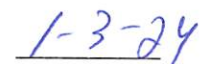
REVOCATION: The cup may be revoked by the City Council upon recommendation of the Planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

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


PRINT NAME


DATE

OWNER SIGNATURE

PRINT NAME

DATE

HAYS COUNTY LAND SURVEYING

P.O. BOX 991
WIMBERLEY, TEXAS 78676
512-847-3827

0.29 ACRE
AMASA TURNER SURVEY
HAYS COUNTY, TEXAS

A DESCRIPTION OF A 0.29 ACRE TRACT OF LAND OUT OF THE AMASA TURNER SURVEY, HAYS COUNTY, TEXAS, BEING A REMAINDER PORTION OF A CALLED 15,424 SQUARE FOOT TRACT OF LAND DESCRIBED IN VOLUME 2849, PAGE 371 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

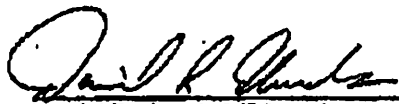
BEGINNING at a ½ inch iron rod found, for the northwest corner of Lot 2 CCC Addition, a subdivision recorded in Volume 15, Page 74, Plat Records of Hays County, Texas, same being a point on the east line of Oak St. and the southwest corner and **POINT OF BEGINNING** of the tract herein described;

THENCE N 37°06'00" W, (RECORD BEARING SAME) with the east line of said Oak Street, a distance of 97.44 feet, to a ½ inch iron rod found for the southwest corner of a called 0.145 acre tract of land described in Volume 4517, Page 520, Official Public Records of Hays County, Texas, same being the northwest corner of the tract herein described;

THENCE N 56°21'39" E, with the south line of said 0.145 acre tract and the south line of a called 0.18 acre tract of land described in Volume 1330, Page 839, Official Public Records of Hays County, Texas, a distance of 139.59 feet, to a ½ inch iron rod, with cap, set for the southwest corner of a called 4000 square foot tract of land described in Volume 2851, Page 595, Official Public Records of Hays County, Texas, same being an ell corner of Lot 1; CCC Addition a subdivision recorded in Volume 15, Page 74, Plat Records of Hays County, Texas, and also being the northeast corner of the tract herein described;

THENCE S 34°55'12" E, with the west line of said Lot 1, a distance of 86.76 feet, to a ½ inch iron rod, with cap, set for the southeast corner of the tract herein described;

THENCE S 51°55'20" W, with the west line of said Lot 1 and passing the northeast corner of the aforementioned Lot 2, a distance of 136.06 feet, to the **POINT OF BEGINNING** containing 0.29 acre of land.


Daniel R. (Rocky) Edwards
Registered Professional Land Surveyor
State of Texas No. 5472

10/9/13
Date



EXHIBIT "A"

20 FEET WHEN ADJACENT TO A
RESIDENTIAL DISTRICT AND THE
BUILDING IS MORE THAN ONE STORY.

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AGENDA ITEM:	ZA-24-001 – Zoning Change R1 to R2
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	January 4, 2023
MEETING DATE:	February 8, 2024 (P&Z) / February 15, 2024 (City Council)

REPORT

ITEM

The applicants, Greg Goshorn and Stephanie Smith, represented by Mike Weaver, have requested a zoning change for 3.986 acres of property located at 263 Blanco Dr, Wimberley, Texas 78676. The request is to change the zoning from Rural Residential 1 (R1) to Single-family Residential 2 (R2). The property is currently undeveloped. The applicants intentions are to subdivide the property into two ~2 acre lots. However, with the property being just under 4 acres, this is not possible with the current R1 zoning. Minimum lot size for R1 zoning is 2 acres. Minimum lot size for R2 zoning is 20,000 square feet.

Attachments: Application

PROPERTY INFORMATION

Property Description

Applicant(s):	Mike Weaver
Property Address:	263 Blanco Dr
Property Owner:	Greg Goshorn and Stephanie Smith
Legal Description:	Pt. of Brinkley Reserve, Paradise Valley Sec. 2
Property Size:	3.986 acres
Existing Use of Property:	Vacant
Existing Zoning:	R1
Planning Area:	I
Overlay District:	None

Utilities

Water:	Wimberley Water Supply Corporation
Wastewater:	Individual on-site sewage facilities

Electricity: Pedernales Electric Corporation

Surrounding Property:

Frontage: Valley Drive and Blanco Drive

Surrounding Zoning & Land Use			
	North of Property	Current Zoning:	Existing Land Use:
		R2	Residential
	South of Property	R1	Residential
	East of Property	R2	Residential
	West of Property	RA	Residential

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): January 19, 2024

Published Legal Notice (Wimberley View): January 25, 2024

PUBLIC COMMENTS

Staff has been answering questions for citizens, but does not have a formal opposition letters.

RECOMMENDATION

Staff defers to the Planning and Zoning commission for their recommendation.

Criteria for Consideration

- Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole;
- Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;
- The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of that vacant land unavailable for development;
- The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;
- Any other factors which will substantially affect the public health, safety, morals, or general welfare; and

g. Whether granting the request furthers the land use objectives and principles adopted by the city.

ZONING MAP





Residential Zoning Application

Planning & Development

FOR OFFICE USE ONLY

Application Date: _____ 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: 263 Blanco Dr., Wimberley, Texas

*New Street Addresses can be obtained by calling (512) 393-2160 HAYS COUNTY CAD PROPERTY ID #: R 13454

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: Turn onto Valley Dr. off RR 12, turn right at the split onto Valley Dr., veer left onto Blanco Dr. (Straight becomes Climbing Way.) Property bordered by Valley Dr., Blanco Dr., and Songbird Ln. to the North.

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

TOTAL AREA TO BE ZONED: ACRES 3.986 (OR) SQ. FT. _____ TOTAL NO. of TRACTS: 1

PLANNING AREAS: 1 REQUESTED ZONING CLASSIFICATION: R2

PROPOSED USE: single family residential

EXISTING ZONING CLASSIFICATION(s) AND USES (if applicable): R1 - residential

OWNER'S INFORMATION

Owner's Name: Greg Goshorn and Stephanie Smith Phone No.: _____

Mailing Address: 9600 Escarpment Blvd, Suite 745-9 Austin, TX 78749

Email Address: _____

REPRESENTATIVE'S INFORMATION

Representative Name: Mike Weaver Weaver Surveying, LLC Phone No.: _____

Mailing Address: P. O. Box 1129, Dripping Springs, TX 78620

Email Address: _____

Name of Real Estate Company Involved: _____

LEGAL DESCRIPTION

Street Address: 263 Blanco Dr., Wimberley Subdivision: Paradise Valley Sec. 2

Block(s) _____ Lot(s) Pt. of Brinkley Reserve Plat Book: 1 Page Number: 17

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

VOLUME: Instrument # PAGE: 19037695 OF COUNTY PLAT RECORDS



OTHER PROVISIONSIs Property in an Overlay District? _____ Yes ☒ No _____ Unknown _____

TYPE OF OVERLAY ZONE(S) (if applicable) _____

FLOOD PLAIN: Small portion of NE corner in 500-year flood plain, but none in 100-year per Firm Map 48209C0355F eff. 9/2/2005.

FLOOD PLAIN (What, if any, flood zone does your property occupy?): Please see above line where there is more space for info.ELECTRIC UTILITY PROVIDER: Pedernales Electric Cooperative, Inc.WATER UTILITY PROVIDER: Wimberley Water Supply Corp.WASTEWATER UTILITY PROVIDER: individual on-site septic

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: 01/04/2024

APPLICANT SIGNATURE

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

ACKNOWLEDGMENT OF EXISTINGSubdivision 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: 263 Blanco Dr., Wimberley, Texas, and more particularly known as Lot Pt Brinkley Reserve, Block _____ of the Paradise Valley Sec. 2 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: 01/04/2024

APPLICANT SIGNATURE

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

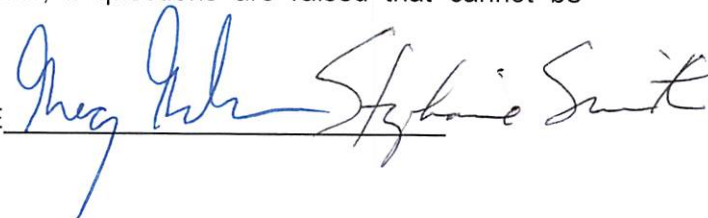
- ☒ Complete "Application for Zoning"
- ☒ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☒ Provide plat map of the specific property to be zoned.
- ☒ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☒ Provide a legal description of the property to be zoned.
- ☒ Sign/date Submittal Verification form.
- ☒ Sign/date Site Inspection Authorization form.
- ☒ Sign/date Acknowledgement Form.
- ☒ Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley reviewing, processing, and recording the zoning request).
- ☒ Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- ☒ Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- ☒ Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

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 representative, may delay the review of the Application.

I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 01/04/2024

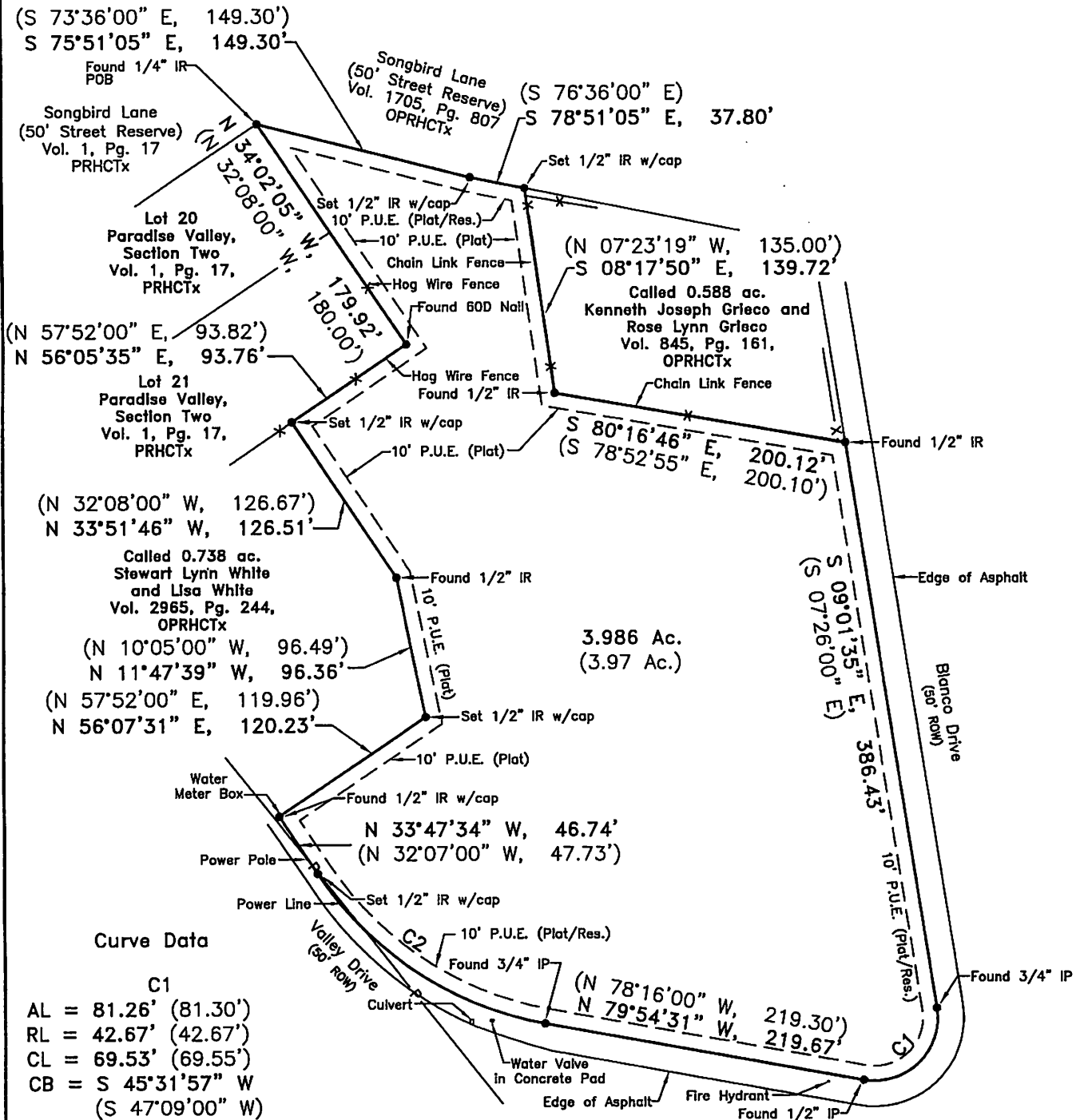
APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

Survey of 3.986 acre tract of land
located in the Thomas Carothers Survey, Abstract No. 106,
Hays County, Texas and being a portion of the "Brinkley
Reserve" tract in Paradise Valley, Section Two, according to
the plat of Paradise Valley, Sections One & Two, recorded in
Volume 1, Page 17 of the Plat Records of Hays County, Texas



Curve Data

C1
AL = 81.26' (81.30')
RL = 42.67' (42.67')
CL = 69.53' (69.55')
CB = S 45°31'57" W
(S 47°09'00" W)

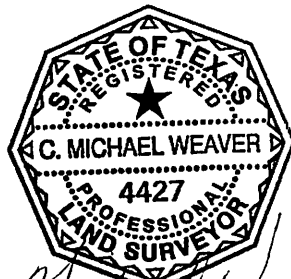
C2
AL = 189.93' (189.17')
RL = 235.97' (235.97')
CL = 184.84' (186.41')
CB = N 56°51'02" W
(N 55°18'00" W)

Flood Certificate
Subject property is located in
Zone X, not in a FEMA
designated flood hazard area,
per FIRM map #48209C0120F,
dated 9/02/2005.

Survey Notes:
1. Survey based on Texas State
Plane Coordinates, South Central
Zone, NAD83 (2011), U.S. Feet,
Vertical Datum NAVD88

Notes:

1. Plat calls in parentheses.
2. Reference is herein made to Commitment for Title Insurance issued by Title Resources Guaranty Company, GF No. 1938057-WIM, effective 8/27/2019, issued 9/18/2019.
3. Subject to public utility easements of 10 feet off of the the front and rear of all lots as set forth on plat recorded in Vol. 1, Pg. 17, PRHCTx.
4. Subject to public utility easement over 10 feet of the street front of each lot and an unobstructed aerial easement 10 feet wide from a plane 20 feet above the ground as set forth in documents recorded in Vol. 181, Pg. 606, DRHCTx, and Vol. 1758, Pg. 652, OPRHCTx.
5. Easement to Texas Power & Light Company recorded in Vol. 116, Pg. 488, DRHCTx.
6. Easement to Pedernales Electric Cooperative recorded in Vol. 253, Pg. 892, DRHCTx.
7. All other easements, restrictions, covenants, and conditions recorded in Vol. 1, Pg. 17, PRHCTx, Vol. 181, Pg. 606, Vol. 248, Pg. 633 and Vol. 274, Pg. 506, DRHCTx, Vol. 1227, Pg. 72, and Vol 1758, Pg. 652, OPRHCTx.
8. Reference is herein made to legal description of same date that accompanies this survey plat.



C. Michael Weaver, RPLS #4427
I do hereby certify, on this the 30th day of
September, 2019, that this survey was performed
under my supervision on the ground, that, to the
best of my knowledge, it is correct and that there
are no visible encroachments, except as shown.

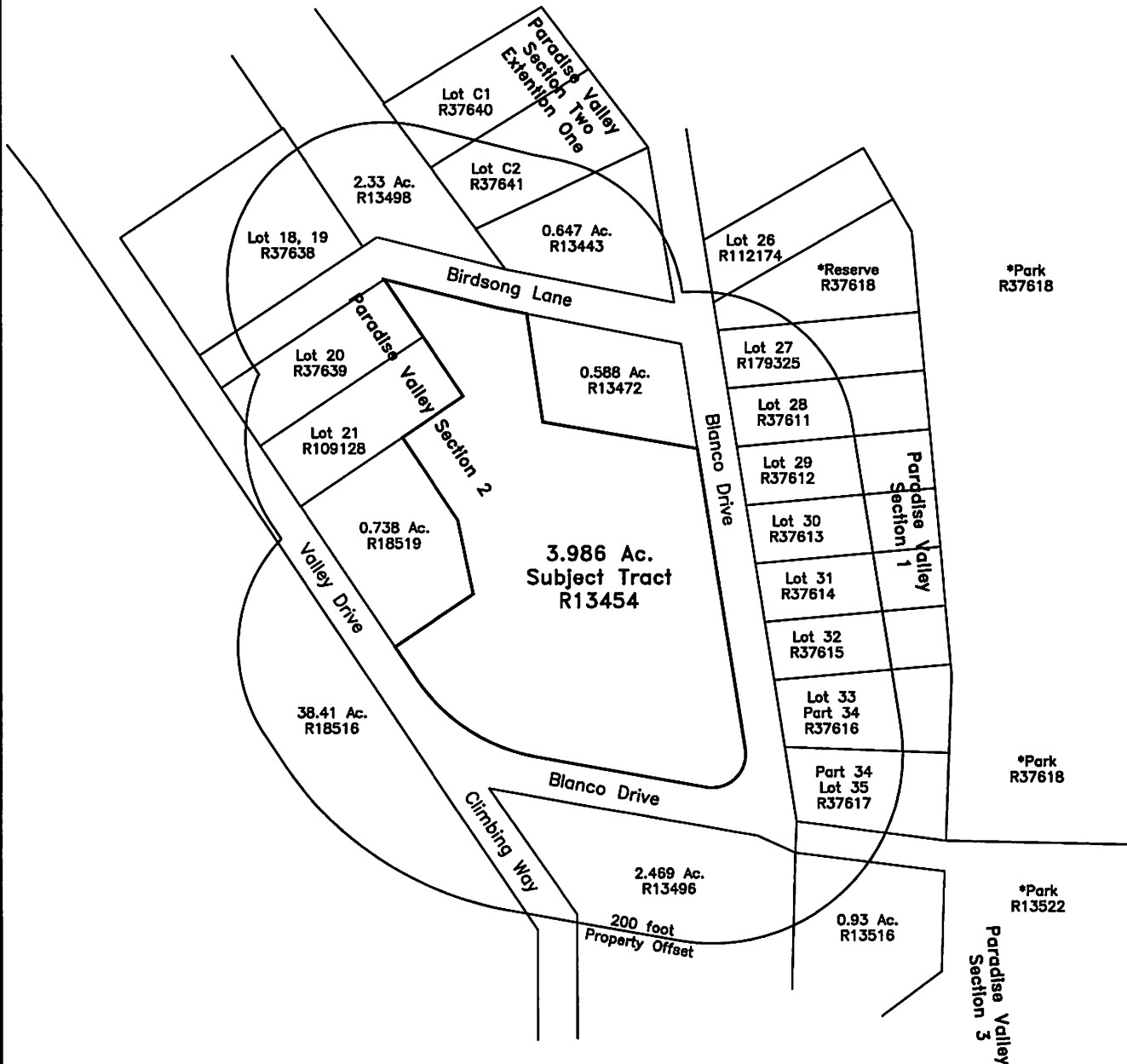
0 50 100
SCALE: 1" = 100'

Weaver Surveying, LLC
TBPLS Firm #10194053
Drawing No. H190924-01A

**Sketch of 3.986 acre tract of land
showing all adjacent tracts within 200 feet,
located in the Thomas Carothers Survey, Abstract No. 106,
Hays County, Texas and being a portion of the "Brinkley
Reserve" tract in Paradise Valley, Section Two, according to
the plat of Paradise Valley, Sections One & Two, recorded in
Volume 1, Page 17 of the Plat Records of Hays County, Texas**



ID#	Legal	Section	Lot/Acreage	Name
R112174	Paradise Valley	1	Lot 26	Steven Lee Jaggers
R37618	Paradise Valley	1	Reserve	Paradise Valley Property Owners Association
R179325	Paradise Valley	1	Lot 27	Greg & Ann Tuckwood
R37611	Paradise Valley	1	Lot 28	Nathan Christopher & Charlotte Jones Deans
R37612	Paradise Valley	1	Lot 29	Richard L. & Monica Michell Byars
R37613	Paradise Valley	1	Lot 30	Richard L. & Monica Michell Byars
R37614	Paradise Valley	1	Lot 31	Robert James & Sharon A. Schumacher
R37615	Paradise Valley	1	Lot 32	Frank E. Williams & Jan Yardley
R37616	Paradise Valley	1	Lot 33, Part 34	Michael E. Holmes Irrevocable Beneficiary Trust
R37617	Paradise Valley	1	Part Lot 34, 35	Erik R. & Sheila M. Wollam
R13522	Paradise Valley	3	Park	Paradise Valley Property Owners Association
R13516	Acreage	-	0.93 Ac.	BCT Trust B
R13496	Acreage	-	2.469 Ac.	Anne Wollam
R18516	Acreage	-	38.41 Ac.	Alta J. Sanders Revocable Trust
R13519	Brinkley Reserve	2	0.738 Ac.	Elizabeth B. Hebert
R109128	Paradise Valley	2	Lot 21	Angela Traugott Beddow
R37639	Paradise Valley	2	Lot 20	Ronald Keith & Ann L. Thompson
R37638	Paradise Valley	2	Lot 18, 19	Daniel Paul & Anna Elizabeth Davis
R13498	Brinkley Reserve	2	2.33 Ac.	Johnny Walter Blalock
R37640	Paradise Valley Ext	2	Lot C1	David Wilson
R37641	Paradise Valley Ext	2	Lot C2	Ronald Keith & Ann L. Thompson
R13443	Brinkley Reserve	2	0.647 Ac.	John A. & Mary G. Espinoza
R13472	Brinkley Reserve	2	0.588 Ac.	Rose Lynn Grieco



Notes:
1. Asterisks (*) represent tracts that are either owned by the Paradise Valley Property Owners Association (PVPOA) or a remainder of the Carl N. Brinkley, et ux, 303.88 acre tract described in deed recorded in Vol. 177, Pg. 540, DRHCTx., presumed herein to be PVPOA.

0 100 200
SCALE: 1" = 200'

Weaver Surveying, LLC
TBPLS Firm #10194053
Drawing No. H231221-01A

Paradise Valley S2 Brinkley Reserve Master240103.dwg (010324,16:27:34) (1=200)



OUR INTERESTS MAY APPEAR.

APPROVED FOR PUBLIC RECORD BY THE COMMISSIONER'S COURT OF HAY COUNTY,
30th DAY OF APRIL 1960
ER'S COURT MINUTES, BOOK _____
_____ *G. M. Blechman*
COUNTY JUDGE, HAYS COUNTY, TEXAS

Mae E. Hoffman
NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS

LEGEND

— FENCE LINE
— BOUNDARY LINE
— SURVEY LINE

SCALE: 3 INCH = 100 FEET

PARADISE VALLEY
SECTION ONE & TWO
WIMBERLEY, TEXAS
A SUBDIVISION OF A PORTION OF
THE THOS. CARRUTHERS SUR.
HAYS COUNTY TEXAS
C. N. BRINKLEY
OWNER & DEVELOPER

by JAMES R. HALL
JAMES R. HALL
200 BIRCH STREET, NEW YORK, N.Y.

SURVEYED APRIL, 19
JAMES R. HALL
REG. PUBLIC SURVEYOR
HAYS COUNTY SURVEYOR
SAN MARCOS, TEXAS



AGENDA ITEM:	3. Hold a public hearing and consider making a recommendation to City Council regarding amendments to Article 4.10 of the Wimberley Code of Ordinances regulating antenna facilities.
SUBMITTED BY:	
DATE SUBMITTED:	01/16/2024
MEETING DATE:	February 8, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This ordinance will allow an antenna facility to be exempt from height and setback regulations if it is involved in emergency communications for the City. Conditional Use Permit approval will still be required by City Council.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. Ord. 2024-07 Antenna Ordinance Update 4.10.009 Local radio exemption

ORDINANCE 2024-07

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4.10 – ANTENNA FACILITIES, OF THE CITY OF WIMBERLEY CODE OF ORDINANCES, BY AMENDING THE CONSTRUCTION REQUIREMENTS REGARDING HEIGHT RESTRICTIONS AND SETBACKS; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council adopted Ordinance 2006-002, which created the regulations for Antenna Facilities; and

WHEREAS, the City Council finds that the amended regulations reasonably accommodate radio communications, especially for the purpose of emergency communications; and

WHEREAS, Section 4.10.009 is hereby amended as set forth below:

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

1. Section 4.10.009 entitled “Construction requirements”, of the Codified Ordinances of the City of Wimberley is hereby amended as follows (with a ~~striketrough~~ meaning such language is deleted and underlining meaning such language is added):

(1) *Exceptions.* Antenna facilities involved in the broadcast of emergency communications for the city shall be exempt from subsections (d) and (e) of this section. The appropriate location and height of antenna facilities involved in the broadcast of emergency communications for the city shall be at the discretion of City Council.

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 15th day of February, 2024, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

ATTEST:

Tammy Heller, City Secretary

By: _____
Gina V. Fulkerson, Mayor

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM:	4. Hold a public hearing and consider possible action regarding case COA-24-003, an application for a Certificate of Appropriateness for exterior alterations to a property located at 151 Old Kyle Rd, Wimberley, TX.
SUBMITTED BY:	
DATE SUBMITTED:	02/02/2024
MEETING DATE:	February 8, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The owners of 151 Old Kyle Rd are requesting a certificate of appropriateness to make changes to the exterior of the contributing historic resource on the property. Work includes replacing the roof, windows, doors, front porch, and siding. The request is to change the siding to stucco. New construction includes expanding the porch and adding a steel pergola. Please see the application for more details and pictures/drawings.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

ATTACHMENT/S

1. COA-24-003 Supporting Documents



**APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS**

Name of Applicant: Philip V. Giglio

Mailing Address: 495 Thomas Jung Road, Fredericksburg TX 78624

Phone Number: [REDACTED] **Email Address:** [REDACTED]

Name of Owner (if different than Applicant): 151 Old Kyle Rd., LLC

Mailing Address: 2003 Sisterdale Rd., Boerne TX 78006

Phone Number: 936-554-5555

Address of Property Where Structure/Site Located: 151 Old Kyle Road, Wimberley TX 78676

Zoning Classification of Property: C3

Proposed Use of Property (reference Land Use Chart in Zoning Ordinance):

Eating establishments: sit-down, including sale of beer, wine or alcohol for on-premises consumption

Description of Proposed Work: Replace roof (galvalume) , replace siding (stucco), replace windows

replace doors, replace foundation, replace front porch, expand front porch (including adding a steel pergola),

add new double door entryway and add an Americans with Disabilities Act (ADA) compliant ramp to enter the property,
which is required under the ADA for commercial properties like this

Description of How Proposed Work will be in Character with Architectural and/or Historical Aspect of Structure/Site and the Applicable Zoning Requirements:

Aside from expanding the existing porch*, we are not changing the footprint , character or style of the property.

Each of our proposed changes is to preserve the property, which includes replacing the deteriorating roof, siding and windows. The stylistic elements of the property will remain in tact. I note that under section 2.3.3.1.1(8) of the Historic District Design Guidelines, stucco is an approved siding for craftsman properties. The front porch will remain an "open front porch" as required by the Historic District Design Guidelines.

* It is important to note the expanded porch will not change impervious cover. The site already has a slab where the expanded porch will be built.

Estimated Cost of Proposed Work: \$300,000

Intended Starting Date of Proposed Work: March 1, 2024

Intended Completion Date of Proposed Work: June 1, 2024

ATTACH THE FOLLOWING DOCUMENTS (in a form acceptable to the City):

- ☒ Current photograph of the property and adjacent properties (view from street/right-of-way)
- ☒ Concept Site Plan: A drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map or aerial photo which generally shows the anticipated plan of development
- ☒ Elevation drawings/sketches of the proposed changes to the structure/site
- ☐ Samples of materials to be used
- ☐ Color chips of the colors which will be used on the structure (if applicable)
- ☐ Sign Permit Application (if applicable)
- ☐ Building Permit Application (if applicable)
- ☐ Application for alternative exterior design standards and approach (if applicable)
- ☐ Supplemental Design Information (as applicable)



Signature of Applicant

February 2, 2024

Date



Signature of Property Owner Authorizing the Proposed Work

February 2, 2024

Date

******TO BE FILLED OUT BY CITY STAFF******

Date Received:_____ Received By:_____

Project Eligible for Expedited Process: ☐ Yes ☐ No

Action Taken by Historic Preservation Officer: ☐ Approved ☐ Denied

☐ Approved with the following Modifications:_____

Signature of Historic Preservation Officer

Date

Date Considered by Planning & Zoning Commission (if required):_____

☐ Approved ☐ Denied

☐ Approved with the following Modifications:_____

Planning & Zoning Commission Decision Appealed by Applicant: ☐ Yes ☐ No

Date Appeal Considered by City Council (if required):_____

☐ Approved ☐ Denied

☐ Approved with the following Modifications:_____

*Submit this application to City Hall at 221 Stillwater, Wimberley, Texas 78666.
Call City Hall at (512)847-0025 if you have questions regarding this application.*



Existing Front Elevation



Proposed Front Elevation



AGENDA ITEM:	1. Discuss and consider possible action on a replat of Lot 1 and Vacated Preston Road of the Riverledge Estates subdivision, establishing Lot 1A of Riverledge Estates, located at 100 Deer Crossing Ln, Wimberley, TX 78676 (HAYSCAD # R39983).
SUBMITTED BY:	
DATE SUBMITTED:	02/02/2024
MEETING DATE:	February 8, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

In 2019, City Council voted to vacate and abandon an undeveloped city road platted as Preston Road in the Riverledge Estates subdivision. This roadway extends from the east end of Deer Crossing and ends in the Blanco River. The 2019 ordinance vacated Preston Road and authorized the Mayor to convey the road to Cristen Carey Daniel Lifetime Trust, the owners of Lot 1 Riverledge Estates. Preston Road has been conveyed by deed to Cristen Carey Daniel Lifetime Trust. This replat combines the abandoned Preston Road with Lot 1 of Riverledge Estates, creating Lot 1A. This replat complies with all applicable City of Wimberley ordinances.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approval of this replat.

ATTACHMENT/S

1. 100 Deer Crossing Lane_2024.01.16_Replat
2. Ordinance No. 2019-15 (Vacate, Abandon, Convey Preston Road)

REPLAT ESTABLISHING LOT 1A, RIVERLEDGE ESTATES

BEING ALL OF LOT 1 AND PRESTON ROAD (AS VACATED BY CITY
OF WIMBERLEY ORDINANCE NO. 2019-15) RECORDED IN
VOLUME 1, PAGES 55-56, PLAT RECORDS, HAYS COUNTY, TEXAS

P.E.C. NOTES

- 1) PEDERNALES ELECTRIC COOPERATIVE (PEC) IS HEREBY DEDICATED A FIFTEEN FOOT (15') WIDE ELECTRIC UTILITY EASEMENT ALONG ALL LOT LINES ADJOINING A PUBLIC RIGHT OF WAY, ROADWAY EASEMENTS AND ACCESS EASEMENTS AND A TEN FOOT (10') WIDE ELECTRIC UTILITY EASEMENT ALONG ALL OTHER FRONT, SIDE, AND REAR LOT LINES.
- 2) PRIVATE PROPERTY WITHIN PUBLIC AND PRIVATE ROADWAY EASEMENTS, ACCESS EASEMENTS AND RIGHT OF WAY RESERVATIONS SHALL BE DESIGNATED AS AN ELECTRIC UTILITY EASEMENT.
- 3) ALL EXISTING OVERHEAD ELECTRIC LINES SHALL POSSESS A TWENTY FOOT (20') WIDE ELECTRIC UTILITY EASEMENT CENTERED 10' EACH SIDE OF LINE. ALL EXISTING ELECTRIC UNDERGROUND LINES SHALL POSSESS A FIFTEEN FOOT (15') WIDE ELECTRIC UTILITY EASEMENT CENTERED 7.5' EACH SIDE OF LINE.
- 4) EACH LOT IS SUBJECT TO A FLOATING TEN FOOT (10') WIDE BY THIRTY FOOT (30') LONG GUY WIRE EASEMENT AS REQUIRED BY PEC.
- 5) ALL ELECTRIC UTILITY EASEMENTS ARE FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, UPGRADE, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF VEGETATION, TREES, AND OTHER OBSTRUCTIONS), INSPECTING, REMOVAL, READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND LINES.
- 6) NO BUILDINGS OR ANY OTHER OBSTRUCTIONS SHALL BE PLACED WITHIN ELECTRIC UTILITY EASEMENTS. WHERE ACCESS IS OBSTRUCTED WITHIN EASEMENT PEC SHALL HAVE THE RIGHT TO REMOVE SUCH OBSTRUCTION.

CROWN ESTATES
VOL. 213 PG. 460
DEED RECORDS

WIMBERLEY WATER SUPPLY CORPORATION, CCN#10314, AN APPROVED WATER SUPPLY SYSTEM, HAS ADEQUATE QUANTITY TO SUPPLY THIS SUBDIVISION IN ACCORDANCE WITH THE POLICIES OF THE WATER SUPPLY SYSTEM.

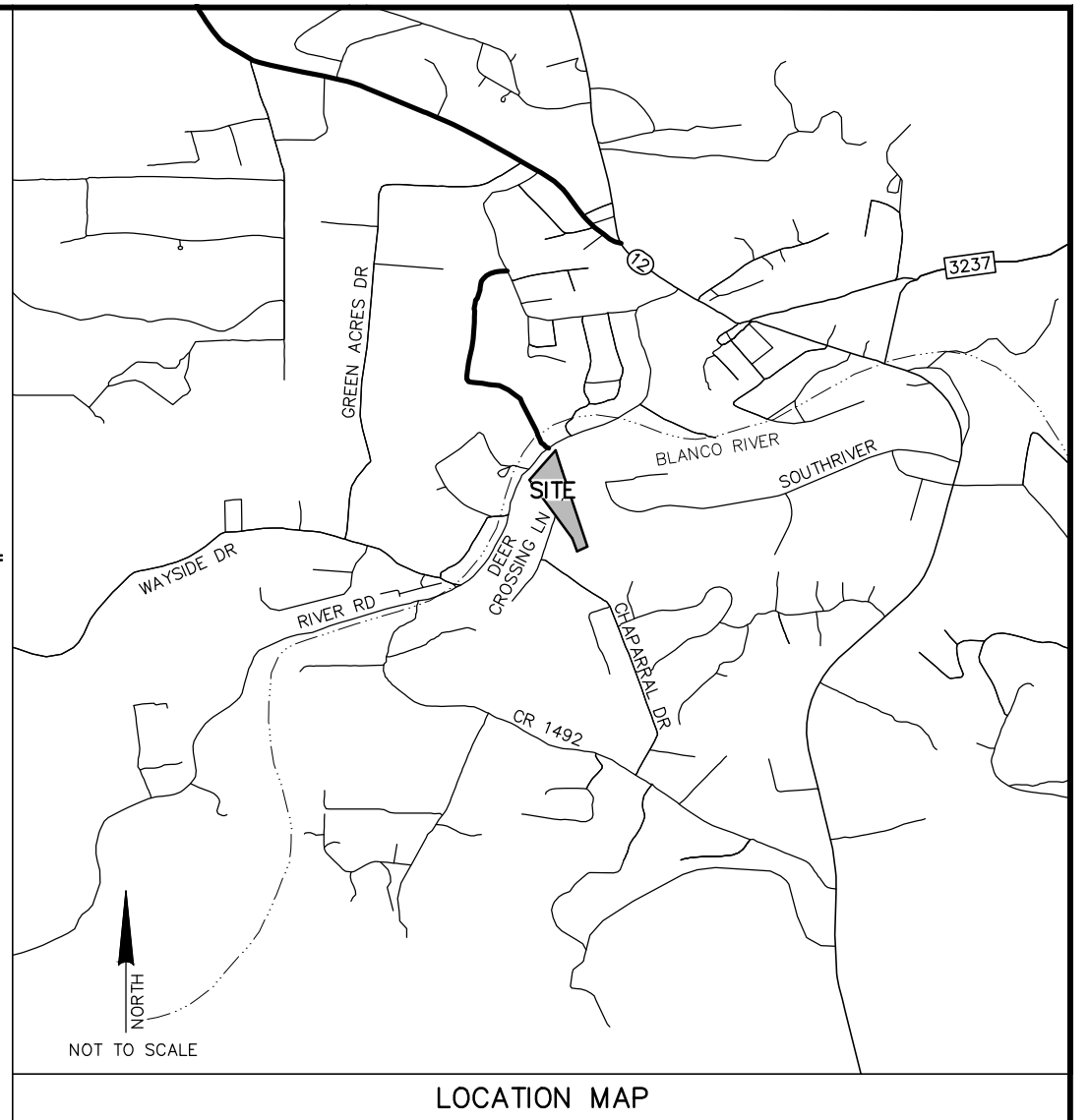
GARRETT ALLEN, GENERAL MANAGER
WIMBERLEY WATER SUPPLY CORPORATION

DATE

CLIFFSIDE SUBDIVISION & ROSELLE
ADDITION OWNERS' ASSOCIATION
CALLED 2.43 ACRES
VOL. 381 PG. 788
DEED RECORDS

LEGEND

- RECORD CALL PER PLAT
- POINT
- FOUND IRON BAR IN ROCK
- FOUND 3/4" IRON PIPE
- FOUND 60D NAIL IN STUMP
- FOUND METAL POST IN ROCK



LOCATION MAP

BLANCO RIVER
N40°46'37"E 187.29'

CALLED 0.344 ACRE
ELECTRIC UTILITY EASEMENT
DOC. NO. 19020179
OFFICIAL PUBLIC RECORDS

N47°19'54"E 79.38'
EASEMENT & RIGHT-OF-WAY
VOL. 223 PG. 53
DEED RECORDS

LOT 1A
1.08 ACRES

THIS PLAT OF REPLAT ESTABLISHING LOT 1A, RIVERLEDGE ESTATES HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WIMBERLEY, AND HEREBY APPROVED.

BY
CHAIRPERSON DATE

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT I, CRISTEN C. DANIEL, OWNER OF LOT 1A, RIVERLEDGE ESTATES RECORDED IN VOLUME 1, PAGES 55-56, PLAT RECORDS, HAYS COUNTY, TEXAS AS CONVEYED TO ME BY DEED FILED AND RECORDED APRIL 21, 2017, HAYS COUNTY DOCUMENT NUMBER 17013460, HAYS COUNTY OFFICIAL PUBLIC RECORDS AND PRESTON ROAD (AS VACATED BY CITY OF WIMBERLEY ORDINANCE NO. 2019-15) DO HEREBY REPLAT THIS PROPERTY TO BE KNOWN AS LOT 1A OF RIVERLEDGE ESTATES, IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

CRISTEN C. DANIEL
6801 CYPRESS POINT CV
AUSTIN, TEXAS 78746-7118

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CRISTEN C. DANIEL, KNOWN TO ME TO BE PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE OF, THIS THE ____ DAY OF _____, A.D., 20__

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

BASED ON THE REPRESENTATIONS OF THE ENGINEER OR SURVEYOR WHOSE SEAL IS AFFIXED HERETO, AND AFTER A REVIEW OF THE PLAT AS REPRESENTED BY THE SAID ENGINEER OR SURVEYOR, I FIND THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS OF THE CITY OF WIMBERLEY. THIS CERTIFICATION IS MADE SOLELY UPON SUCH REPRESENTATIONS AND SHOULD NOT BE RELIED UPON FOR THE VERIFICATIONS OF THE FACTS ALLEGED. THE CITY OF WIMBERLEY DISCLAIMS ANY RESPONSIBILITY TO ANY MEMBER OF THE PUBLIC FOR INDEPENDENT VERIFICATIONS OF THE REPRESENTATION, FACTUAL OR OTHERWISE, CONTAINED IN THIS PLAT AND/OR THE DOCUMENTS ASSOCIATED WITH IT

TIM PATEK, CITY ADMINISTRATOR DATE

I, TIM PATEK, CITY ADMINISTRATOR OF THE CITY OF WIMBERLEY, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

TIM PATEK, CITY ADMINISTRATOR DATE

NATHAN GLAISER, PLANNING AND DEVELOPMENT DIRECTOR DATE

STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 20__, AT ____ O'CLOCK ____ M., AND DULY RECORDED ON THE ____ DAY OF _____, A.D., 20__, AT ____ O'CLOCK ____ M., IN THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN INSTRUMENT NO. _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, A.D., 20__.

ELAINE H. CARDENAS,
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE THAT TO THE BEST OF MY SKILL AND KNOWLEDGE THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

07/11/2023

REGISTERED PROFESSIONAL LAND SURVEYOR
CHRISTOPHER JURICA, R.P.L.S. NO. 6344



UTILITY NOTES

ELECTRIC UTILITY - PEDERNALES ELECTRIC COOPERATIVE
WATER UTILITY - WIMBERLEY WATER SUPPLY CORPORATION
WASTEWATER - PRIVATE, INDIVIDUAL ON-SITE SEWAGE FACILITIES

GENERAL NOTES

- 1) ACCORDING TO THE SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 48209C0355F, DATED 9/2/2005, A PORTION OF THIS SUBDIVISION LIES WITHIN ZONE "AE", (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND A PORTION OF THIS SUBDIVISION LIES WITHIN ZONE "X" (AREAS DETERMINED TO BE INSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)
- 2) THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE, NO PORTION OF THE SUBDIVISION LIES WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- 3) THIS SUBDIVISION LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF WIMBERLEY AND IS SUBJECT TO ITS ORDINANCES.
- 4) THIS SUBDIVISION LIES WITHIN THE FOLLOWING JURISDICTIONS: ESD #4 AND #7 AND WIMBERLEY INDEPENDENT SCHOOL DISTRICT.
- 5) NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WIMBERLEY.
- 6) BUILDING SETBACK LINES SHALL BE PER CITY OF WIMBERLEY ZONING ORDINANCE.
- 7) NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL OF WIMBERLEY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.
- 8) THE CITY OF WIMBERLEY COMPREHENSIVE PLAN SHALL ALSO GOVERN THIS SUBDIVISION.
- 9) DRIVEWAYS WILL SATISFY THE MINIMUM SPACING REQUIREMENTS FOR DRIVEWAYS SET FORTH IN CHAPTER 9.02.115
- 10) NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR STATE APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND, IN SOME AREAS, MAY OFFER THE BEST RENEWABLE WATER RESOURCE.
- 11) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83.
- 12) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THEREFORE ALL SETBACKS, EASEMENTS, COVENANTS, ENCUMBRANCES, ZONING OR LAND USE REGULATIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
- 13) ADJOINERS ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.

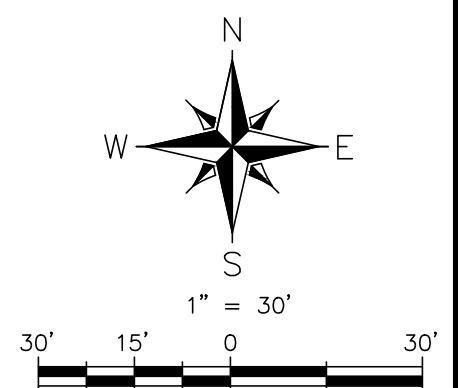
CALLED 0.344 ACRE
ELECTRIC UTILITY EASEMENT
DOC. NO. 19020179
OFFICIAL PUBLIC RECORDS

EXISTING CONFIGURATION

SCALE: 1"=15'
VOLUME 1, PAGES 55-56
PLAT RECORDS

NOTE
LOT 2 DRIVE WAY
***REPLAT SUBJECT TO ANY
RIGHTS/INTERESTS OF LOT 2

DEER CROSSING LANE
(50' RIGHT-OF-WAY PER PLAT)



WCR
LAND SURVEYING
P.O. BOX 481 BLANCO, TX 78606
830-833-3010 INFO@WCRLANDSURVEYING.COM
TBPE&LS FIRM #10194135

JOB NO.: 2152-23

DRAWN BY: CJJ

CHECKED BY: CJJ

SHEET: 1 OF 1

**AN ORDINANCE CLOSING, VACATING AND
ABANDONING, AND CONVEYING PRESTON ROAD IN
THE CITY OF WIMBERLEY, TEXAS; AND AUTHORIZING
THE CITY ADMINISTRATOR TO EXECUTE A QUIT
CLAIM OR DEED WITHOUT WARRANTY.**

WHEREAS, the City of Wimberley is an incorporated municipality operating under the general laws of this State; and

WHEREAS, V.T.C.A, Transportation Code Section 311.008 authorizes any such city or town to vacate, abandon and close any street or alley upon a petition of all of the abutting owners on said street or alley; and

WHEREAS, the City of Wimberley is the sole owner of that certain street described as Preston Road lying and being situated between Deercrossing Lane and the Blanco River, in said City, as more fully shown by the plat of record in Volume 1, Page 55, Plat Records of Hays County, Texas.

WHEREAS, the said owners have petitioned the City Council to vacate, abandon and close, and convey said street; and

WHEREAS, the said City Council finds and declares that it is in the best interest of all of the citizens of the City of Wimberley that said street be vacated, closed and abandoned.

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

Section 1. All of that certain street described as Preston Road lying and being situated between Deercrossing Lane and the Blanco River, in said City, as more fully shown by the plat of record in Volume 1, Page 55, Plat Records of Hays County, Texas., is hereby abandoned, vacated and closed. A survey of the property to be abandoned is attached as Exhibit "A."

Section 2. Attached as Exhibit "B" to this ordinance is the application and petition by the landowners requesting abandonment, vacation and closure, and conveyance of said street.

Section 3. A review has been made by the following City departments which have approved the City abandonment/closure of this public right-of-way. Those departments include: the Department of Public Works, the Department of Planning, the Legal Department, the City Administrator and any other City department deemed necessary by the City Council.

Section 4. The owners of the property abutting the portion of the street abandoned, have conveyed easements to the City to cover any public utility lines which may already exist or that may hereafter be laid in the area in question in the future.

Section 5. Said portion of the street is not needed for public purposes and it is in the public interest of the City of Wimberley to abandon said described portion of the street. The

abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of lands described in this ordinance and shall be construed only to that interest the governing body of the City of Wimberley may legally and lawfully abandon. There is hereby retained in the street right-of-way to be vacated, a permanent easement for all public utilities and utility maintenance vehicles and equipment.

Section 6. The Mayor of the City of Wimberley is hereby authorized and directed to convey by Quit Claim or Deed Without Warranty all of the interest of the City of Wimberley in and to the said street described in Section 1 of this ordinance save all present and future public utility easements to Cristen Carey Daniel Lifetime Trust, the owners of property abutting upon said street.

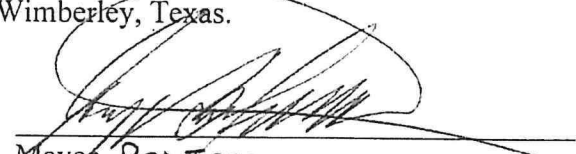
Section 7. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of the Article be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 8. 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.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

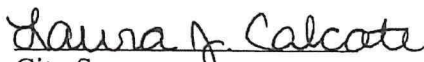
Section 10. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

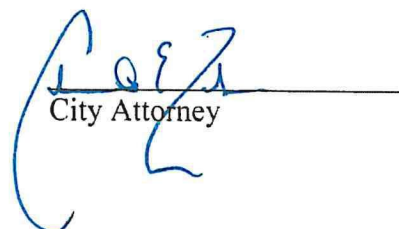
PASSED AND APPROVED this 16th day of May, 2019, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.


Mayor Pro Tem

ATTEST:

Approved as to Form:


City Secretary


City Attorney

RIVERLEDGE ESTATES

THE STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS:
That I, Mrs. Mary Elob, a widow, being the owner of the tract of land shown hereon, same being "Savoy Heights River Front Estates", a subdivision of a portion of the Maso Turner Survey #1 in Hays County, Texas, as shown on a map or plat as recorded in Hays County Deed Records in Volume 150, Pages 2-3, and being conveyed to me by deed of record in Volume 220, Page 2/2, Hays County Deed Records, do hereby adopt this map or plat as my resubdivision of same, to be known and designated as

"RIVERLEDGE ESTATES"
and I do hereby dedicate to the public all of the streets and easements shown hereon.
WITNESS MY HAND this 21 day of November, A. D. 1967.

Mary Elob
Mrs. Mary Elob

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, the undersigned authority, on this day personally appeared, Mrs. Mary Elob, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she had executed the same for the purposes and consideration therein expressed.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21 day of November, A. D. 1967.

Notary Public
Notary Public in and for Hays County, Texas

"In adopting this map or plat the Commissioners Court of Hays County, Texas, does hereby vacate all streets as shown on the plat of 'Savoy Heights River Front Estates' as recorded in Volume 150, Pages 2-3, Hays County Deed Records, and does hereby adopt the streets shown hereon in lieu of same."

"In approving this map or plat by the Commissioners Court of Hays County, Texas, it is understood that the building of all streets, roads and other public thoroughfares shown on this plat, and all bridges and culverts necessary to be placed in such streets, roads and other public thoroughfares, or in connection therewith, shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Hays County, Texas, and the Commissioners Court of Hays County, Texas assumes no obligation to build streets, roads and other public thoroughfares shown on this plat or of constructing any bridges or culverts in connection with same."

THE STATE OF TEXAS
COUNTY OF HAYS
I, Lydell B. Clayton, Clerk of County Court, Hays County, Texas, do hereby certify that on the 30th day of Nov. A. D. 1967, the Commissioners Court of Hays County, Texas, passed an order authorizing the filing for record of this plat and that said order was entered in the minutes of said Court in Book K, Page 622.
WITNESS MY HAND AND SEAL OF OFFICE this 30th day of November, A. D. 1967.

Lydell B. Clayton
LYDEL B. CLAYTON
Clerk, County Court, Hays County, Texas

FILED FOR RECORD at 10:30 o'clock A. M. on the 30th day of November, A. D. 1967.

Carrell B. Clayton
CARRELL B. CLAYTON
Clerk, County Court, Hays County, Texas

THE STATE OF TEXAS
COUNTY OF HAYS
I, Lydell B. Clayton, Clerk County Court, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 30th day of November, A. D. 1967 at 2:00 o'clock P. M., and duly recorded on the 30th day of November, A. D. 1967 at 2:00 o'clock P. M. in the plat records of said County in plat book I, Page 8077.
WITNESS MY HAND AND SEAL OF OFFICE of the County Court of said County, the date last above written.

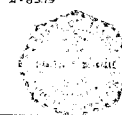
Lydell B. Clayton
LYDEL B. CLAYTON
Clerk, County Court, Hays County, Texas

FB 427 P 31
FB 241 P 41-45
PLAN 8077

LEGEND
Hays County Deed Records
Scale 1" = 100 Feet

CURVE DATA

①	②
3-60'00"	4-10'00"
7-24'00"	5-10'00"
8-23'31"	6-50'00"
9-48'34"	7-7'00"
10-67'33"	8-63'19"



Surveyed Oct 15, 1947 & Feb. 25, 1947
Metcalfe Engineering Company
By *Marion O. Metcalfe*
Marion O. Metcalfe
Registered Public Surveyor #555
Austin, Texas

Exhibit "A"



AGENDA ITEM:	2. Hold a discussion and consider making a recommendation to City Council regarding an Ordinance amendment that amends Chapter 4, Article 4.04 -Temporary Structures, of the City of Wimberley Code of Ordinances.
SUBMITTED BY:	
DATE SUBMITTED:	02/01/2024
MEETING DATE:	February 8, 2024

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Staff has received numerous complaints about storage containers being placed in front yards for long periods of time. Staff reviewed the existing temporary structure ordinances and amended it to institute a 60-day maximum for storage containers. Other changes include revisions to the definition of a temporary structure and adding language to allow temporary construction offices.

REQUESTED ACTION

FINANCIAL

STAFF RECOMMENDATION

Staff recommends approval of this ordinance amendment.

ATTACHMENT/S

1. Ord 2024-08 Ch. 4 Temporary Structure Amendment

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING THE CITY OF WIMBERLEY CODE OF ORDINANCES CHAPTER 4 – BUILDING REGULATIONS, ARTICLE 4.04 – TEMPORARY STRUCTURES.

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; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

WHEREAS, the unregulated use of portable storage and shipping containers on residential property produces unsightly conditions that threatens the enjoyment, harmony and value of surrounding property; and

WHEREAS, portable storage and shipping containers are not designed or intended for long term storage use and the use for such purposes to store combustible materials poses an increased risk of fire; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public.

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

SECTION 1 AMENDMENTS

That the City's Code of Ordinances shall be amended as follows, with ~~strikethroughs~~ being deletions from the Code and underlined language being additions to the Code:

Sec. 4.04.001 Definitions

Edible goods include, but are not limited to:

- (1) Prepackaged food including, but not limited to, candy, beverages, and ice cream.
- (2) Prepared food including, but not limited to, hot dogs, desserts, and pizza.
- (3) On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.

Mobile food vendor means any business that sells edible goods from a non-stationary location within the city. The term shall include, but not be limited to:

- (1) *Mobile food trucks*: A self-contained motorized unit selling items defined as edible goods.
- (2) *Concession carts*: Mobile vending units that must be moved by nonmotorized means.
- (3) *Concession trailers*: A vending unit that is pulled by a motorized unit and has no power to move on its own.

Temporary structure means any structure, building, trailer, tent or enclosure of any kind used for storage, commercial or business purposes ~~which any person or business intends to place on the same lot~~

~~with or on any lot immediately adjacent to any permanent structure used for business or commercial purposes.~~

Sec. 4.04.003 Allowable temporary structures

~~Except where prohibited below, a temporary structure is permitted only on commercially zoned property with prior city council authorization.~~

- A. Temporary portable storage facilities/containers are permitted in residential districts not to exceed sixty (60) days per calendar year. Such storage facilities/containers located in the front yard of residentially zoned property shall be placed on a permanent surface of concrete such as the driveway.
- B. Temporary building and material storage areas to be used as field offices and buildings for construction purposes may be permitted for a specified period of time in accordance with a building permit issued by the City Administrator or his/her designee for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the City Administrator or his/her designee.

Sec. 4.04.004 Prohibited locations

Any temporary structure is prohibited from being installed or constructed on residentially zoned property, ~~except as provided by Sec. 4.04.003,~~ or on property within the city center overlay, as defined in section 9.03.222, with the exception of temporary structures required for special events authorized by the city council or mobile food vendors that satisfy the requirements of section 4.04.009.

Sec. 4.04.006 City council authorization

~~Except as provided by Sec. 4.04.003,~~ Prior to installation of a temporary structure the city council must approve an application for a temporary structure subject to the requirements of this article. The council may impose additional conditions as necessitated by the scope of the application and has discretion to deny an application for any reason. The applicant shall submit a completed application form prescribed by the city and pay any applicable application or inspection fees.

SECTION 2 PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 3 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.

**SECTION 4
SEVERABILITY CLAUSE**

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.

**SECTION 5
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.

**SECTION 6
EFFECTIVE DATE**

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

**SECTION 8
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 15th day of February, 2024 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