

ORDINANCE NO. 309

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ADD VETERINARIAN (INDOOR KENNELS) AS A CONDITIONAL USE IN THE NEIGHBORHOOD SERVICES ZONING DISTRICT FOR THE PROPERTY LOCATED AT 15314 WEST STATE HIGHWAY 71, BEE CAVE, TEXAS; DESCRIBED AS LOT 7, BLOCK A, SUMMIT 56 SUBDIVISION; PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, an application has been submitted to add Veterinarian (Indoor Kennels) as a Conditional Use to the Neighborhood Services zoning district for the property located at 15314 West State Highway 71, Bee Cave, Texas, described as Lot 7, Block A, Summit 56 Subdivision (the "Property"); and

WHEREAS, the Property is currently zoned as Neighborhood Services and use of the Property for a Veterinarian (Indoor Kennels) is conditional in that zoning district;

WHEREAS, the property owner has submitted a Concept Plan depicting the proposed uses of the Property as Veterinarian (Indoor Kennels) and the terms and conditions of this Ordinance are sufficient to make this proposed use compatible with other Neighborhood Services uses on adjacent property;

WHEREAS, the notice as required by the City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the City Council finds that the use of the Property as depicted in the Concept Plan and in accordance with this Ordinance as a Veterinarian (Indoor Kennels) is an appropriate use for the Property;

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

SECTION 1. Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Bee Cave Zoning Ordinance for the Property as depicted on the Concept Plan attached hereto and incorporated herein as Exhibit "A".

SECTION 3. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 5 herein described, to authorize a Veterinarian (Indoor Kennels) use on the Property as depicted in Exhibit "A" and in conjunction with any other permitted uses authorized in Neighborhood Services zoning districts.

SECTION 4. Concept Plan. The Concept Plan attached hereto as Exhibit "A" depicting the Veterinarian (Indoor Kennels) use and architectural elevations for buildings and other structures associated with the use of the Property as a Veterinarian (Indoor Kennels) together with all other uses and amenities depicted in the Concept Plan are all hereby approved contingent upon the property owner meeting the conditions contained within Section 5.

SECTION 5. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit to the property owner (hereinafter "Permittee") upon the following terms and conditions:

1. Permittee shall not commence development until it has secured all permits and approvals as required by the City of Bee Cave Ordinances.
2. The Conditional Use Permit authorizes additional development of the subject Property only as represented in the Permittee's application and only to the extent such development is depicted in the Concept Plan described in Exhibit "A," attached hereto, and only to the extent authorized herein. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", then that portion of Permittee's application is specifically denied.
3. Amendments to development for this Property in the future shall comply with Neighborhood Services zoning except as may be approved by this Conditional Use Permit or as same may be amended.
4. The Veterinarian Hospital and Kennel shall provide services to small animals only (e.g. cats, dogs, and sometimes birds; no large animals such as horses, cows, etc. and no reptiles).
5. No outdoor cages/kennels are permitted.

6. The Kennel (1,586 SF) will provide boarding services for animals and may be used as overflow to house sick/injured/recovering animals.
7. Animals shall not be permitted in the northern portion of the site (north of the Limekiln Branch Floodplain) due to Water Quality concerns and close proximity to a residential use.
8. The five foot (5') wide decomposed granite walk/bike pedestrian trail proposed on the south side of the Limekiln Branch Floodplain shall be constructed by the Permittee.
9. A designated play or exercise area is not required, but animals are permitted to use the grass areas and the 5' decomposed granite walk/bike pedestrian trail south of the Limekiln Branch Floodplain. Animals must always be accompanied by an employee when outdoors.
10. Emergency 24-Hour service is authorized so long as a maximum of two (2) employees are needed to staff the facility after normal business hours.
11. Vegetation in the rear area adjacent to residential uses is to remain undisturbed except with permission of the City staff.
12. Permittee shall construct a Driving Aisle, to be located within the 50' Joint Use Access Easement (Doc. No. 201000095), connecting the subject site to Lot 6, Block A of the Summit 56 Subdivision.

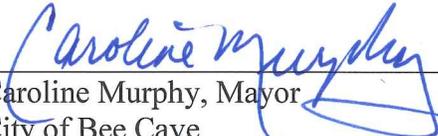
SECTION 6. That any person, firm or corporation violating any of the provisions of this Ordinance or Chapter 32, Zoning, of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Bee Cave, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense, in accordance with Section 1.01.009 of the City's Code of Ordinances.

SECTION 7. 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 or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the City's Zoning Ordinance or Map as a whole.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 13th day of September, 2016.

APPROVED:



Caroline Murphy, Mayor
City of Bee Cave

ATTEST:



Kaylynn Holloway, City Secretary
City of Bee Cave, Texas

[SEAL]

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

EXHIBIT "A"

