

ORDINANCE NO. 380

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS (“CITY”) AMENDING THE ZONING FOR APPROXIMATELY 45 ACRES OF REAL PROPERTY (THE “PROPERTY”) LOCATED GENERALLY WEST OF GREAT DIVIDE AND SOUTH OF HWY 71 AND THE LTYA ATHLETIC FIELDS AS DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO, IN CONFORMANCE WITH THE CITY OF BEE CAVE COMPREHENSIVE PLAN, FROM AN AGRICULTURAL DISTRICT TO PUBLIC DISTRICT FOR A 32.765 ACRE PORTION OF THE PROPERTY AND FROM SINGLE-FAMILY RURAL RESIDENTIAL DISTRICT TO PUBLIC DISTRICT FOR THE 12.379 ACRE REMAINDER OF THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Bee Cave is lawfully incorporated as a Home-Rule municipality and the City Council is the governing body of the City; and,

WHEREAS, the City Council seeks to provide for the orderly development of land and use of property within its corporate limits; and,

WHEREAS, the City is empowered by its Home-Rule Charter and Section 211.005 (Districts) of the Texas Local Government Code to divide the municipality into districts of a number, shape, and size the City Council considers best for carrying out the zoning purposes under state law; and within each district, the City Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land; and,

WHEREAS, the zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district; and shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality; and,

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

WHEREAS, the City of Bee Cave is the owner of the Property and annexed the 32.765 acre portion of the Property lying outside the City limits via Ordinance No. 379 on June 12, 2018; and

WHEREAS, pursuant to the City of Bee Cave Code of Ordinances, Chapter 32, “Zoning,” section 32.03.002, territory that has been newly annexed into the City is initially zoned as Agriculture, and it is anticipated that agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future;

WHEREAS, section 32.03.014 of the Zoning Ordinance provides that the purpose of a Public District is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities; parks, and open space; and

WHEREAS, the City of Bee Cave Comprehensive Plan (“Comprehensive Plan”), Future Land Use Plan provides that it shall serve as a guide for future land use patterns and all aspects of the Comprehensive Plan “are implemented primarily through development regulations (zoning and subdivision ordinances)”; this area is designated as Rural Neighborhood; and

WHEREAS, the Comprehensive Plan provides that community services, private and public parks, recreation, and open space are complimentary land uses within neighborhoods; and

WHEREAS, re-designating the zoning classification of the subject property described herein will protect the integrity and continuity of the Comprehensive Plan and such proposed land uses are consistent with the Comprehensive Plan; and

WHEREAS, the City of Bee Cave Planning and Zoning Commission and the City of Bee Cave City Council (“City Council”), in compliance with the City of Bee Cave Code of Ordinances section 32.02.004, Texas Local Government Code section 211.006(a), et seq., and all applicable laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council is of the opinion and finds that a zoning change as described herein should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

WHEREAS, any protest made against the proposed change of Zoning Classification has been duly considered by the City Council; and

WHEREAS, the City Council finds that re-designating the real property described herein is prudent and, in accordance with Texas Local Government Code section 211.004(a)(3), will promote the health and general welfare of the City of Bee Cave and its citizens;

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. Amendment. That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from Agricultural District to Public District for the 32.765 acre portion of the Property annexed via Ordinance No. 379 and from Single-family Rural Residential District to Pubic District for the remaining portion of the Property, which Property is more fully described in Exhibit “A,” attached hereto.

SECTION 3. Severability. That 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 as a 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 Chapter 32, Zoning, of the City of Bee Cave Code of Ordinances and Map as a whole.

SECTION 4: Repealer. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 5. Notice and Meeting Clause. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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.

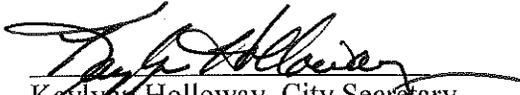
SECTION 6. Effective Date. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Bee Cave, Texas, on the 24th day of July, 2018.

CITY OF BEE CAVE, TEXAS


Monty Parker, Mayor

ATTEST:


Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:


Patty L. Akers, City Attorney

Exhibit "A"

Property Description

That property being situated in the Nancy Gibson Survey No. 521, Abstract No. 322 and the Hall Medline Survey No. 523, Abstract No. 540 in the Official Public Records of Travis County, Texas, and comprised of a called 45.144 Acre Tract of Land Described in Special Warranty Deed and Conveyance of an Easement (44.144 Acre Portion) to the City of Bee Cave, Texas by instrument recorded in document No. 2017201884 of the Official Public Records of Travis County, Texas and in Special Warranty Deed (1.00 Acre Portion) to the City of Bee Cave Texas by instrument recorded in Document No. 2017201885 of the Official Public Records of Travis County, Texas. It comprises the properties with the following Travis Central Appraisal District Property IDs: 119250 and 374823.