

ORDINANCE NO. 01-03-13

AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF A PARTICULAR AREA OF LAND IN THE VILLAGE OF BEE CAVE, TEXAS, MAKING PROVISION FOR COMPLIANCE WITH THE VILLAGE'S ZONING ORDINANCE AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE VILLAGE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners of the land described on Exhibit "A" attached hereto have requested that the land be zoned Planned Development Retail District; and

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

WHEREAS, public hearings have been held by both the Planning and Zoning Commission and the Governing Body as required by law; and

WHEREAS, there has not been any written protest submitted against the proposed change of the Zoning Classification; and

WHEREAS, §12.127 of the Village's Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other Zoning Districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

WHEREAS, a complete application for the establishment of a PD District has been submitted to the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF BEE CAVE, TEXAS:

Section 1. Zoning Classification. The land described on Exhibit "A" attached hereto is hereby declared to be a Planned Development Retail District.

Section 2. Uses.

(A) The base zoning district upon which the PD is based is Retail District.

(B) The permitted uses are those shown as "Permitted" in the table attached hereto as Exhibit "B".

(C) The uses that are conditional are those shown as "Conditional" in the table attached hereto as Exhibit "B".

(D) No entity whose use is within the Retail Permitted Use category shall occupy a space that is greater than 20,000 square feet of floor space

Section 3. Minimum Standards. Minimum standards for residential uses are not required because there will be no residential uses. Minimum standards for non-residential use shall be those ordinances of the Village of Bee Cave in existence on or prior to June 9, 1995 and those standards set out in this Ordinance.

Section 4. Site Plan. A site plan shall be submitted as required by the Village's Zoning Ordinance.

Section 5. Parking. Bicycle and motor vehicle parking, loading spaces, queuing and vehicle storage for proposed drive-through services will be designed according to the Village of Bee Cave design criteria in effect at the time of site plan submittal and shall be reviewed at the time of the final site plan review. Notwithstanding anything stated herein, parking requirements will be no more restrictive than one (1) parking space for each two hundred (200) square feet of building space for any retail use, and one (1) space for each two hundred fifty (250) square feet of building space for any office use.

Section 6. Streets and Driveways. All streets, driveways, sidewalks, water, wastewater and storm sewer lines shall be constructed in compliance with the Village of Bee Cave standards.

Section 7. Structure Limitations. No structure shall exceed the lower of three (3) stories or forty (40) feet above natural grade.

Section 8. Utility Lines and Antenna. No sewer, drainage or utility lines or wires or other devices for the communication or transmission of electric current, power or signals, including telephone, television, microwave or radio signals, shall be constructed, placed or maintained anywhere in or upon any portion of the property that is a part of the PD, other than within buildings or structures, unless the same shall be contained in conduits or cables constructed, placed or maintained underground or concealed in or under buildings or other structures. No antenna for the transmission or reception of telephone, television, microwave or radio signals shall be placed on any building constructed in the PD that extends more than fifteen feet (15') above the roof of any such building.

Section 9. Light, Noise and Odorous Matter Standards. The light, noise and odorous matter standards applicable to the PD shall be those set forth in the Village's Zoning Ordinance.

Section 10. Billboards & Signs. No billboards may be erected on any of the property contained in the PD. The Village of Bee Cave Sign Ordinance in effect on the date of this ordinance is the only sign ordinance of the Village of Bee Cave that may be enforced within the PD.

Section 11. Landscape. No existing oak, elm or pecan trees of more than six inches (6") in diameter located in any portion of any of the PD, within twenty-five feet (25') of the rear boundary line (being the boundary line adjacent to the residential property) of the PD may be removed. Septic fields and drainage features may be placed in this zone as long as they are in compliance with all applicable laws, ordinances and regulations. The landscape area along Bee Caves Road in front of the lots shall be landscaped in such a manner as to provide a buffer of the parking areas by designing and installing a low berm and/or vegetative screen not to exceed 30" in height.

Section 12. Setback. No building, garage, surface parking area, wall, fixtures or equipment (excluding any fence) shall be constructed within twenty-five feet (25') of the rear boundary line (being the boundary line adjacent to the residential property) of the property of the PD. No building, parking garage, wall, fixtures or equipment (excluding any fence) two (2) stories or more in height, and no trash dumpsters may be located or constructed within one hundred feet (100') of the rear boundary line of the property of the PD. Trash dumpsters shall be enclosed with the same materials used in the construction of the buildings on the property.

Section 13. Traffic Impact Analysis. The Village hereby waives the requirement of a Traffic Impact Analysis.

Section 14. Special Provisions Concerning Conditional Use Permits. An application for a conditional use permit for a change in use of all or a portion of an existing building or structure for which there is an approved site plan, may be approved by the Board of Aldermen without a public hearing if it finds that: (1) the change in use does not require any change to the size, or exterior wall(s) of the building; and (2) the change in use does not require additional parking spaces. No new site plan will be required for a conditional use permit that meets the provisions of the previous sentence. The application for these permits will be placed on the agenda of the next regular Board meeting after the date of filing of the application.

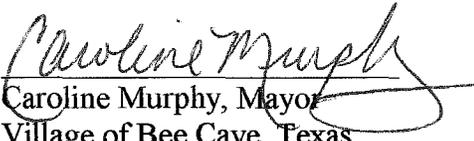
Section 15. Hours of operation. All permitted uses within this district, with the exception of restaurants, healthcare facilities, lodging facilities, (such as hotels and motels), emergency veterinary services, and government and public uses shall have hours of operation between 8:00 A.M. and 10:00 P.M. Those businesses in operation on the date of this Ordinance are not bound by this provision of the Ordinance and shall continue to have the hours of operation under which they are currently operating.

Section 16. Village Administrator. The Village Administrator is hereby authorized and directed to properly note the zoning change on the official Zoning Map of the Village of Bee Cave, Texas.

Section 17. Severability. If any word, phrase, clause, sentence, section or subsection of this Ordinance is declared to be invalid, that invalidity shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and, to that end, the provisions of this Ordinance are declared to be severable.

Section 18. Effective Date. This Ordinance shall be effective on and after the date of its adoption.

PASSED AND APPROVED this 13th day of March, 2001.

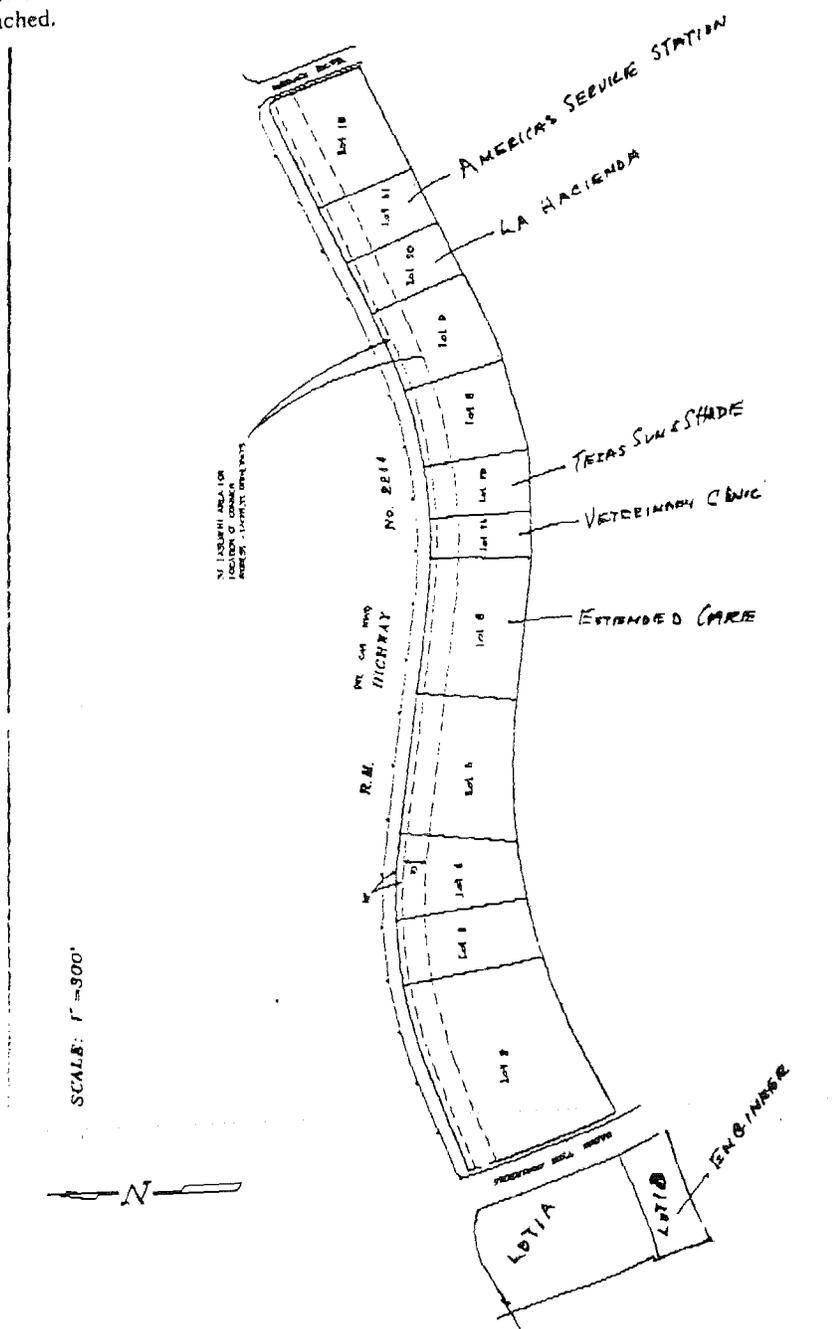
  
Caroline Murphy, Mayor  
Village of Bee Cave, Texas

ATTEST:

  
Sherry Mashburn, Village Secretary  
Village of Bee Cave, Texas  
(Seal)

# EXHIBIT "A"

Lots 1A and 1B, Block G, re-subdivision of Lot 1, Block G of Uplands Village, a subdivision in Travis County, Texas, and Lots 2, 3, 4, 8, 9, 10, 11, and 12, Block A of Uplands Village, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 99, Page 114, of the Plat Records of Travis County, Texas, Lot 5, Amended Plat of Lots 5 and 6, Block A of Uplands Village, of record in Volume 101, Page 45 of the Plat Records of Travis County, Texas, and Lots 7-A and 7-B of the Re-Subdivision of Lot 7, Block A of Uplands Village, of record in Volume 102, Pages 298-299 of the Plat Records of Travis County, Texas, (the "Property"), locally known as 11701-12119 FM 2244, and 3612 Tennison Hill Road in the Village of Bee Cave, Travis County, Texas and more particularly identified in the map attached.



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**EXHIBIT "B"**  
**PERMITTED USES TABLE**

<u>Permitted Uses</u>	<u>Planned</u>	<u>Development</u>
	<u>District</u>	
<b>LIGHT MANUFACTURING</b> Contractor's Temporary On-Site Construction Office	Permitted	
<b>INSTITUTIONAL/GOVERNMENTAL</b> Rectory/Parsonage Sewage Pumping Station Utility Distribution Line	Permitted Permitted Permitted	
<b>COMMERCIAL AND WHOLESALE TRADE</b> Heating & Air-Conditioning Sales/Services Hardware, Plumbing and Accessories	Permitted Permitted	
<b>INSTITUTIONAL/GOVERNMENTAL</b> Assisted Living Facility Child Daycare (Business) Church/Place of Worship Civic Club Clinic (Medical) Emergency Care Clinic Library (Public) Mailing Service (Private) Non-Profit Activities by a Church Nursing/Convalescent Home	Permitted Permitted Permitted Permitted Permitted Permitted Permitted Permitted Permitted Conditional	
<b>AMUSEMENT &amp; RECREATION SERVICE</b> Earth Satellite Dish (Private, less than 3 feet in diameter) Health Club (Physical Fitness) Membership Sports Museum Park and/or Playground Tennis Court (Private/Not Lighted) Video Rental/Sales	Permitted Conditional Conditional Conditional Permitted Conditional Permitted	
<b>TRANSPORTATION AND AUTO SERVICES</b> Auto Financing & Leasing (Indoor) Auto Repair (General) Auto Tire Repair/Sales (Indoor)	Permitted Conditional Conditional	
<b>RETAIL</b> Alcoholic Beverage Retail Sales Antique Shop Store Art Dealer/Gallery Bakery (Retail) Bed and Bath shop	Conditional Permitted Permitted Permitted Permitted	

Bike Sales and/or Repair	Permitted
Bookstore	Permitted
Bridal Shop	Permitted
Camera Shop	Permitted
Children's Clothing	Permitted
Confectionary Store (Retail)	Permitted
Convenience Store without Gas Sales	Conditional
Drapery Shop/Blind Shop	Permitted
Electronics Store (Ex. Radio Shack)	Permitted
Fabric Shop	Permitted
Florist	Permitted
Food or Grocery Store	Permitted
Formal Wear	Permitted
Furniture Sales (Indoor)	Permitted
Garden Shop (Inside Storage)	Permitted
Gift Shop	Permitted
Handicraft Shop	Permitted
Hardware Store	Permitted
Health & Beauty Aids	Permitted
Import Shop	Permitted
Jewelry Store	Permitted
Kitchen Shop	Permitted
Mail Services	Permitted
Men's Clothing Shop	Permitted
Music Store	Permitted
Needlework Shop	Permitted
Optical Shop	Permitted
Paint, Wallpaper & Flooring Store	Permitted
Pet Shop/Supplies	Permitted
Pharmacy	Conditional
Plant Nursery (Retail Sales/Outdoors)	Conditional
Restaurant	Conditional
Retail Store (Miscellaneous)	Conditional
Shoe Store	Permitted
Sporting Goods/Exercise Equipment	Permitted
Toy Store	Permitted
Used Merchandise; Furniture (Used)	Conditional
Women's Accessories	Permitted
Women's Dress Shop	Permitted
Yogurt/Ice Cream Shop	Permitted
Vacuum Cleaner Sales & Repair	Conditional
Veterinarian (In-Door Kennels)	Conditional
<b>PERSONAL &amp; BUSINESS SERVICES</b>	
Appliance Repair	Conditional
Artist's Studio	Permitted
Automatic Teller Machines (ATMs)	Permitted

Barbershop (Non-College)	Permitted
Beauty Shop (Non-College)	Permitted
Bed & Breakfast	Permitted
Computer Sales	Permitted
Credit Unions	Conditional
Dance Drama/Music Schools (Performing Arts)	Permitted
Financial Services (Advice/Invest)	Permitted
Martial Arts School	Permitted
Kiosk (Providing a Service)	Conditional
Laundry/Dry Cleaning (Drop-Off/Pickup)	Permitted
Locksmith	Permitted
Photo Studio	Permitted
Photocopying/Duplicating	Permitted
Shoe Repair	Permitted
Studio for Radio or Television (without Tower)	Permitted
Tailor Shop	Permitted
Travel Agency	Permitted
<b>OFFICE</b>	
Armed Services Recruiting Center	Permitted
Credit Agency	Permitted
Insurance Agency Offices	Permitted
Offices (Administrative & Business Offices)	Permitted
Offices (Brokerage Services)	Permitted
Offices (Business Support Services)	Permitted
Offices (Health Services)	Permitted
Offices (Legal Services)	Permitted
Offices (Medical Office)	Permitted
Offices (Professional)	Permitted
Offices (Research Offices-non-chemical related)	Permitted
Real Estate Offices	Permitted
General Office Use	Conditional
Bank	Conditional
Savings & Loan	Conditional
Security Monitoring Company (No Outside Storage)	Conditional