

**ORDINANCE NO. 37**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS AMENDING ORDINANCE NO. 01-03-13; WHICH ORDINANCE PROVIDES FOR ZONING AND DEVELOPMENT ASSOCIATED WITH THE PROPERTY DESCRIBED AS 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; LOT 5, AMENDED PLAT OF LOTS 5 AND 6, BLOCK A OF UPLANDS VILLAGE A SUBDIVISION IN TRAVIS COUNTY, TEXAS AND LOTS 7A AND 7B OF THE RE-SUBDIVISION OF LOT 7, BLOCK A OF UPLANDS VILLAGE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS; WHICH PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT WITH A BASE ZONING OF RETAIL; APPROVING CERTAIN NEW LAND USE FOR THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Owner of the land described herein and depicted in Exhibit "A" attached hereto (the "Property") has filed an application to amend Ordinance No. 01-03-13 to establish new land uses and to change certain Conditional Use Permit land uses to Permitted land uses associated with the Property, which Property is zoned as a Planned Development District with a Retail District base zoning; and

**WHEREAS**, Section 32.03.015 of the City's Code of Ordinances 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 Planned Development Concept Plan, which Concept Plan was previously approved in Ordinance No. 01-03-13;

**WHEREAS**, the City Council finds that the additional land use requested by the applicant in accordance with the conditions listed below, is an appropriate use for the Property.

**WHEREAS**, the City Council of the City of Bee Cave, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, 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 of the City of Bee Cave is of the opinion and finds that said zoning change should be granted as set forth herein;

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**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 Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. That the zoning for the herein described Property and Ordinance No. 01-03-13 is hereby amended so as to authorize the following land uses as additional Permitted land uses to Ordinance No. 01-03-13.

- Convenience Market (without gasoline sales)
- Consignment Shop
- General Office Use
- Health Club (Physical Fitness)- indoor only
- Major Appliance Sales – indoor only
- Membership Sports – indoor only
- Pharmacy – (no drive-thru)
- Plant Nursery – outdoor storage/sales in front of building only (completely shielded from residential area)
- Retail Shops and General Retail Stores
- Swimming Pool (Public/Private) – indoor only
- Tool Rental - indoor only
- Veterinarian - indoor kennels
- Vacuum Cleaner Sales and Repair
- Restaurant - no in-vehicle service (see definition) provided that:
  - A landscape buffer between a building and the rear lot line shall contain plant screening that provides a minimum of seventy-five (75%) percent coverage of the length of the rear lot line and shall attain a height of at least eight feet within two growing seasons of the planting of such screen. All plant screening must be maintained and dead plants replaced within six months.
  - The landscape screen shall be of sufficient width/thickness to block at least 75% of the back of the building from view by the adjacent residences after five (5) growing seasons.
  - Incidental outside seating for food establishments shall be permitted as follows: one table and two seats per every eight feet of storefront minus six feet for the door opening. Outside seating is limited to the front of the building, which shall provide shielding for adjacent residences. Outside restaurant seating greater than the incidental outside seating allowed shall require a conditional use permit (CUP) approved by the City of Bee Cave City Council.
  - Alcoholic beverages may be sold provided that the total sales of alcohol comprise less than fifty percent of gross revenue of the restaurant.
  - Outdoor music shall not be allowed as a Permitted use in conjunction with a restaurant use, but may be authorized with approval of a conditional use permit by the City of Bee Cave City Council.

SECTION 3. Any land use approved in Section 2, to be developed on the Property after the effective date of this Ordinance, shall not be deemed authorized or approved by the City of Bee Cave until a final site plan is approved for such use and/or development in accordance with

the terms and conditions of Chapter 32 of the Code of the City of Bee Ordinances, except as Chapter 32 may be modified by Ordinance 01-03-13, or as amended by this Ordinance.

SECTION 4. That development of any Permitted Use authorized herein which was not previously authorized as a Permitted Use in Ordinance No. 01-03-13 may be developed as if such use had originally been authorized as a Permitted Use in Ordinance No. 01-03-13, so long as the development occurs in accordance with the conditions and terms contained in Ordinance 01-03-13 and applicable to such Permitted Uses.

SECTION 5. To the extent applicable, City Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the City of Bee Cave, Texas.

SECTION 6. 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.

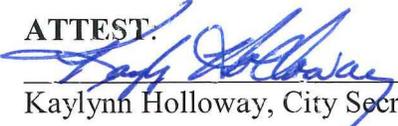
SECTION 7. That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

**DULY PASSED** by the City Council of the City of Bee Cave, Texas, on the 25<sup>th</sup> day of August, 2009.

APPROVED:  
City of Bee Cave, Texas

  
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Caroline Murphy, Mayor

ATTEST.

  
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Kaylynn Holloway, City Secretary

[SEAL]

APPROVED AS TO FORM:

  
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Patty L. Akers, City Attorney  
City of Bee Cave, Texas

**EXHIBIT – A**  
Property Description

# 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 Tension Hill Road in the Village of Bee Cave, Travis County, Texas and more particularly identified in the map attached.

