

ORDINANCE NO. 179

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS ("CITY") CORRECTING PREVIOUS ZONING DESIGNATION ERRORS, AMENDING THE ZONING OF REAL PROPERTY, IN CONFORMANCE WITH THE CITY OF BEE CAVE COMPREHENSIVE PLAN, SECTION EIGHT, FUTURE LAND USE PLAN, FROM CURRENT ZONING AS A MULTI-FAMILY 1 RESIDENTIAL DISTRICT TO A MIXED USE DISTRICT FOR PROPERTY GENERALLY DESCRIBED AS A PORTION OF LOT 4 OF THE SMITH LLOYD SUBDIVISION; AND WHICH LAND IS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 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 council finds that the zoning of the property as Multi-Family 1 was an error and the zoning of the property should have been Mixed Use to conform with the zoning category for the rest of Lot 4; and

WHEREAS, the City Council finds that the following amendments will reasonably accommodate the construction of multi-use developments, and represent the minimal practicable regulation to accomplish the City's legitimate purposes under zoning; and,

WHEREAS, the City of Bee Cave Planning and Zoning Commission and the 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 changes of Zoning Classification has been duly considered by the City Council; and

WHEREAS, the Planning and Zoning Commission and the City Council find 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 a Multi-Family 1 Residential District to a Mixed Use District for the real property hereinafter described, and more specifically described and depicted in Exhibit "A", attached hereto:

a portion of Lot 4 of the Smith Lloyd Subdivision.

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.

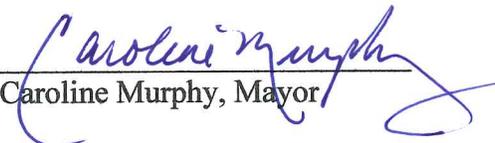
SECTION 4: Repealer. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

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 30th day of January 2013.

CITY OF BEE CAVE, TEXAS



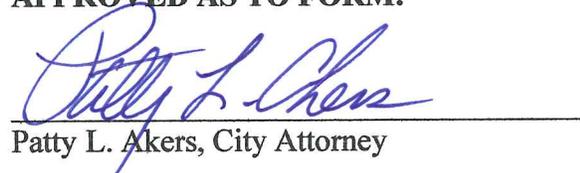
Caroline Murphy, Mayor

ATTEST:



Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

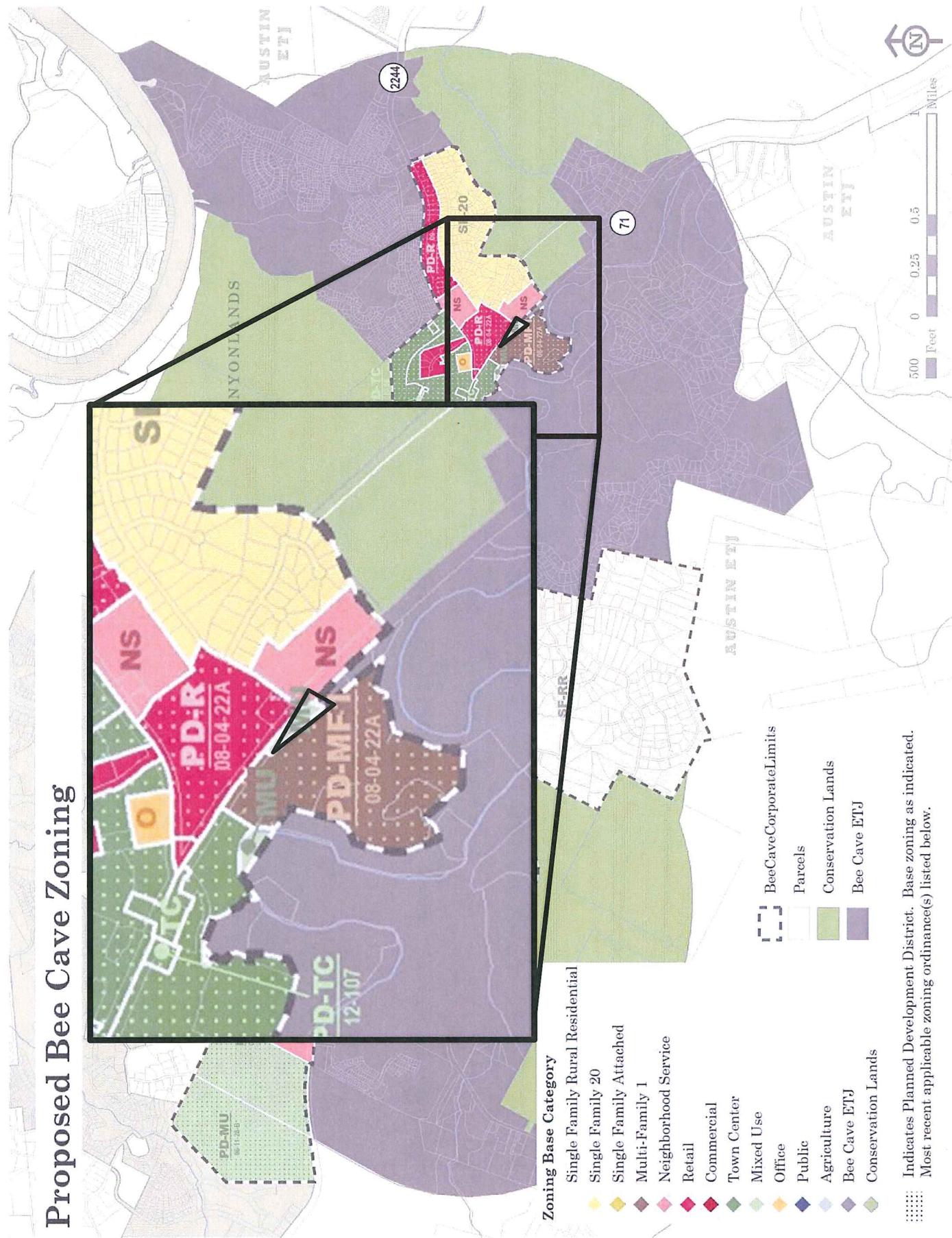


Patty L. Akers, City Attorney

Exhibit "A"

Property Description

Proposed Bee Cave Zoning



..... Indicates Planned Development District. Base zoning as indicated.
 Most recent applicable zoning ordinance(s) listed below.