

ORDINANCE NO. 444

AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS, REPEALING, APPROVING, AND ADOPTING THE CITY'S COMPREHENSIVE PLAN, AND ALL ORDINANCES NOT IN CONFLICT THEREWITH AND APPROVING AMENDMENTS TO THE THOROUGHFARE PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Bee Cave (City) is a Texas Home-Rule Municipality and the Texas Local Government Code authorizes the City of Bee Cave to exercise jurisdiction over City zoning and planning as deemed appropriate by the City; and

WHEREAS, the City has determined that over the last several years, there has not been consistency in the adoption or amendment to the City's Comprehensive Plan as allowed under Texas Local Government Code Chapter 213; and

WHEREAS, the City recognizes that this inconsistency could cause confusion or uncertainty as to the City's plans for development in all areas of the comprehensive plan including the future land use, thoroughfare and parks plans; and

WHEREAS, pursuant to the City's Code of Ordinances, Sec. 32.02.002(f), any proposed amendments to the Comprehensive Plan must be presented to the Planning and Zoning Commission for review and recommendation to the City Council; and

WHEREAS, at a regularly scheduled meeting on November 15, 2016, the Planning and Zoning Commission reviewed and approved proposed 'Our Bee Cave 2037' Comprehensive Plan, including the Thoroughfare Plan; and

WHEREAS, the City has the authority to repeal and amend any ordinances in conflict and ratifying any actions not adopted in accordance therewith and approving any amendments to ensure the Comprehensive Plan is current as of the date of adoption of this ordinance.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Repeal. The City Council hereby repeals Ordinance No. 89-7, Ordinance No. 90-11-13, Ordinance No. 91-19-2 and Ordinance No.00-08-22-A in their entirety and the minute order approving the 2009 Comprehensive Plan on May 26, 2009, attached as **Exhibit "A"**.

Section 3. Ratify and Adopt. The City Council hereby ratifies and adopts by ordinance the minute order of the City Council approved on November 22, 2016 for the adoption of 'Our Bee Cave 2037' Comprehensive Plan, **Exhibit "B"**.

Section 4. Amendment. The City Council hereby approves the proposed amendments to the Comprehensive Plan's Thoroughfare Plan component, attached as **Exhibit "C"**.

Section 5. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 6. Repealer. This ordinance shall be cumulative of all other ordinances of the City of Bee Cave, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Bee Cave except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 7. Effective Date. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF BEE CAVE, TEXAS

By: _____
Kara King, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC