

ORDINANCE NO. 540

AN ORDINANCE AMENDING ARTICLE THREE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BEE CAVE.

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, it is the intent of the City of Bee Cave to protect the public health, safety, and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety, and welfare of their citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, the Bee Cave City Council may regulate the development of property within Bee Cave's city limits and extraterritorial jurisdiction; and

WHEREAS, the Bee Cave City Council, in compliance with the laws of the State of Texas and the City's municipal code, and in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public, to amend the Unified Development Code to update its provisions to keep up with the growth and development of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Article 3 the City of Bee Cave Unified Development Code shall be amended with strike-through text being deletions and underlined text being additions and all other provisions not addressed remain untouched and in full force and effect and shall read as follows:

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SEC. II.

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§ 3.4.1 Dimensional standards.

A. Residential dimensional standards

	AG	Estate Residential R-1	Suburban Residential R-2	Transition Residential R-3	Urban Residential R-4	Multifamily Residential & Amenity R-5	Hill Country Overlay HPO
Note Residential Uses							
Minimum Front Setback (ft)	60 ³	50 ³	25 ³	20 ³	0 ³ /	0 ³ /	40 ³
Maximum Front Setback (ft)	NA	NA	NA	NA	25 ⁴	25 ⁴	NA
Side Yard (Interior Setback; Corner Setback)	10% lot width max 20; 20	10% lot width max 25; 25	6; 15	10; 15	0; 10	0; 10	20; 25
Maximum Side Setback (ft)	NA	NA	NA	NA	25 ⁴	15 ⁴	NA
Minimum Rear Yard Setback (ft)	25	25	25	10	20	25	25
Minimum Lot Area (sq ft)	87,120/(2 acres)	43,560	20,000	6,900	4,500 ²	10,000	20,000
Maximum Dwelling Units Per Acre (Density), Net (for R-4 and R-5, see Section 3.4.4.E.4)	NA	1 DUA	2 DUA	5 DUA ⁵	9 DUA ⁵	13 DUA ⁵	Per district
Minimum Lot Frontage (ft)	100	75	50	35	35	100	75
Minimum Lot Width (Interior/Corner) (ft)	200/205	100/105	65/70	35/40	35/40	100/105	100/105
Minimum Lot Depth (ft)	250	200	110	100	90	90	200
Maximum Height (primary/accessory) (ft)	35/45 ¹	35/25	35/25	35/25	40 35 ⁶	50 35 ⁶	35/25
Maximum Building Footprint (per building)						25,000sf ^{7 8}	

1. Structures used for agricultural purposes may built to 45 feet, provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any residential structure on adjacent property.

2. Applicable to townhome development with units on individual lots

3. Except as may be subject to the 75' landscape buffer setback required along all major roadways (SH-71, RR 620, Bee Cave Rd, Bee Cave Pkwy, Hamilton Pool Road).

4. No more than 30% of the building frontage shall exceed the maximum setback.

5. See Section 3.4.4.E, Density Bonus Options for incentives related to maximum density

[6. Structures proposing heights in this district that are higher than the Maximum Height may seek to do so by applying for an SUP. See Section 3.5.6.](#)

[7. Structures proposing footprints larger than the Maximum Building Footprint may seek to do so by applying for an SUP. See Section 3.5.6.](#)

[8. No amenity use may be larger than 2500sf without an SUP under footnote 7 above.](#)

B. Non-residential and mixed-use dimensional standards.

	Neighborhood Mixed-Use (MU-N)	Community Mixed-Use (MU-C)	Town Center Mixed- Use (MU- TC)	Regional Commercial (C-3R)	Medium Commercial (C-2)	Neighborhood Commercial (C-1)
Non-Residential Uses						
Minimum Front Setback/Maximum Front Setback (ft)	10 ^{1,3} /NA	10 ^{1,3} /NA	NA ³ /5 ²	25 ³ /NA	25³/NA	50³/NA
Side Yard (Interior Setback; Corner Setback)/Maximum Side Setback) (ft)	10; 10/NA	10; 10/NA	10; NA/0	25; 25/NA	25; 25/NA	25; 50/NA
Rear Yard Setback (ft)	10	10	NA	25	25	25
Minimum Lot Area (sq ft) or Maximum Dwelling Units Per Acre (Density), Net	10,000/ 13 DUA	10,000/ 20 DUA ⁴	NA/ 24 DUA ⁴	10,000/NA	10,000/NA	10,000/NA
Minimum Lot Frontage	35 ⁵	70 ⁵	NA	70 ⁵	70⁵	70⁵
Minimum Lot Width (Interior/Corner) (ft)	35/40	80/85	NA	80/85	80/85	80/85
Minimum Lot Depth (ft)	45	80	NA	110	110	110
Maximum Height (ft)	35 30⁶	50 30⁶	60 25⁶	305⁶	30⁶	25⁶
Maximum Building Footprint (per building)	25,000 35,000⁷	25,000 35,000⁷	NA 35,000⁷	150,000 50,000⁷	35,000⁷	15,000⁷

1. Buildings adjacent to R-1 — R-4 districts with units fronting on the same street shall match the minimum front setback of the adjacent district.

2. A maximum of 30% of the building frontage may exceed the maximum setback.

3. Except as may be subject to the 75' landscape buffer setback required along all major roadways (SH-71, RR 620, Bee Cave Rd, Bee Cave Pkwy, Hamilton Pool Road).

4. See Section 3.4.4.E, Density Bonus Options for incentives related to maximum density.

5. 150 feet is required on State controlled highway. May be reduced to 75 feet with cross access easement to adjacent properties

[6. Structures proposing heights in this district that are higher than the Maximum Height may seek to do so by applying for an SUP. See Section 3.5.6.](#)

[7. Structures proposing footprints larger than the Maximum Building Footprint may seek to do so by applying for an SUP. See Section 3.5.6.](#)

§ 3.4.5 Non-residential and mixed-use design standards and incentives.

J. Assurance of mixed-use in MU-N, MU-C and MU-TC Districts.

- 1. Mix of uses.** A use on the ground floor must be different from a use on an upper floor. The second floor may be designed to have the same use as the ground floor so long as there is at least one more floor above the second floor that has a different use from the first two floors.
- 2. Pedestrian-oriented commercial spaces.** Along at least 75 percent of the building frontage along the street, the building must be designed for commercial uses in ground-floor spaces that meet the following standards. A lobby serving another use in the building shall not count as a pedestrian-oriented commercial space for purposes of this section.

(i) Dimensional requirements. Each ground-floor commercial space must have:

- (1)** A customer entrance that opens directly onto the sidewalk;
- (2)** A depth of not less than 24 feet; and
- (3)** A height of not less than 12 feet, measured from the finished floor to the bottom of the structural members of the ceiling.

~~**3. Alternative for developments containing multiple buildings on a single site or within a master-planned development.**~~

~~**(i)** The provisions of subsections 1. and 2., above may be accomplished through the use of multiple buildings on a single site or within a master-planned development, provided no single use comprises more than fifty percent (50%) of ground floor uses, or~~

~~**(ii)** If at least fifty percent (50%) of the buildings on a single site or within a master-planned development comply with the provisions of subsections 1. and 2., above, the development shall be considered compliant with this Section 3.4.5.J.~~

§ 3.4.4.E Density bonus options.

- 1.** The density bonus options provided in this section shall be calculated based on the by-right density allowable in the applicable district per subsection 3.4.1.
- 2.** Density bonuses may be applied cumulatively to a development.
- 3. Amenity and design incentive.** A development that provides two (2) additional High Quality Design features from subsection 3.4.4.E.6, including 100% masonry or masonry alternative may request one (1) of the following incentives to be applied at the Site Plan phase:
 - (i)** Reduce required covered parking by ten percent (10%).
 - (ii)** Increase density by one (1) dwelling unit per acre in R-3 or two (2) dwelling units per acre in R-4 and R-5.

(iii) Reduce the open space area required by subsection 3.4.4.B.5 from fifty percent (50%) to forty-five (45%) percent.

4. Workforce housing incentive. A development that reserves at least fifty-one percent (51%) of units for residents with incomes at eighty percent (80%) or less of AMI through a management program with state oversight may qualify for the following additional density bonuses:

(i) Increase density in R-4 or MU-C by ~~one (1) five (5)~~ dwelling units per acre;

(ii) Increase density in R-5 or MU-TC by ~~two (2) seven (7)~~ dwelling units per acre;

5. Structured parking incentive. A development that provides structured parking for a minimum of ninety percent (90%) of the required off-street parking may receive the following additional density bonus:

(i) Increase density in R-4 by one (1) dwelling unit per acre;

(ii) Increase density in R-5 by two (2) dwelling units per acre.

§ 3.4.5.E. Incentives for providing additional features above minimum required. (Height Bonus)

1. A development that exceeds the minimum required features in at least two categories may request an additional ~~five (5) ten (10)~~ feet of maximum height.

2. A development that provides all features in at least two categories may request an additional ~~ten (10) fifteen (15)~~ feet of maximum height.

3. Development within the Hill Country Overlay (subsection 3.4.6) is not eligible for density or height bonuses.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III.

SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the

phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV.

PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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

V.

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law.

DULY PASSED AND APPROVED, on the day of ,
2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

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CITY OF BEE CAVE:

Kara King, Mayor

ATTEST:

Jo Ann Touchstone, City Secretary

[SEAL]

APPROVED AS TO FORM:

City Attorney

Ryan Henry, Law Offices of Ryan Henry, PLL