

**ORDINANCE NO. 542**

**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 of 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:

\* \* \*

## SEC. II.

### § 3.2.15 Planned Development District (PDD).

A. Intent. The Planned Development District (PDD) is the designation given to properties with development and uses authorized by a Planned Development ordinance before adoption of this UDC. The most recent ordinance approved by Council that applies to each individual property will continue to govern the development of the property. Any subsequent change in uses allowed, applicable development standards, or other regulations that differ from the approved ordinance requires an amendment to the ordinance that established the PDD, or a rezoning to a different designation listed in subsection 3.3.5 consistent with the zoning change process in subsection 3.1.8. ~~Additionally, PDDs existing at the time of adoption of this UDC that are eighty (80) acres or greater in size may request a text amendment to this UDC to create a new zoning district for the redevelopment of the property included within the PDD, consistent with the zoning change process in subsection 3.1.8.~~ The intent of this section is to provide ongoing support for these legacy Planned Development Districts, ~~and allow, from time to time, for the possible allowing for amendments to such Districts but not allowing for the~~ creation of new ~~PDD Districts[.]~~ City Council retains the discretion to deny amendment of a PDD ordinance or to approve rezoning of a PDD to a district designated under this UDC.

B. Procedures and standards: see subsection 3.5.5.

## SEC. III

### § 3.5.5 Planned development district ~~(legacy)~~.

A. Purpose. The base zoning districts established in Section 3.1.7 [3.2.2] are intended to facilitate a broad range of development within appropriate areas of the City, with sufficient development standards and technical requirements to address a variety of development types and unique areas within the City. ~~This UDC, and the base zoning districts it contains, are structured to eliminate the need for future PDDs and encourage the transition of existing PDDs to a new base zoning. Prior to~~ In addition to this UDC, the City has made use of Planned Development Districts as a ~~the~~ tool to accommodate such specialized development scenarios and opportunities when given that prior regulations did not have other paths to regulatory compliance. ~~Therefore, the intent of this section [is] to provide ongoing support for these legacy Planned Development Districts, allowing for amendments to such Districts but not allowing for the creation of new Districts.~~ A Planned Development District, as it is created or amended, shall establish specific development standards that ensure the Planned Development District exceeds the standards of the equivalent base zoning districts. Amendments to all PDDs] shall be amended and restated.

B. Minimum area required for a Planned Development District. The minimum size for a Planned Development District is five (5) contiguous acres.

C. Applications to create or amend a Planned Development District. An application for a Planned Development District creation or amendment must be in conformance to the Comprehensive Plan and demonstrate compliance with the following criteria on a certain property:

1. General ~~legacy~~ PDD criteria.

(i) Provide for a mix of a minimum of two types of uses, provided each use requested appears on the Use Charts before Council approves the Planned Development District (see subsection 3.3.5). An applicant that proposes a PDD that authorizes new uses not found on the Use Charts must demonstrate the following as part of the PDD application:

(1) The proposed use(s) meets the intent of this subsection 3.5.1 [3.5.5] and this UDC;

(2) The proposed use(s) are compatible with abutting uses and property; and

(3) The proposed use(s) will positively contribute to the City's economy, not be detrimental to the City's fiscal, environmental or general health and livability, and will not require undue investments in infrastructure or City resources to operate or manage.

(ii) Provide for integrated design and placement of buildings with regulations that govern the bulk, height, footprint, and separation of buildings to an extent beyond what is required by this UDC.

(iii) Preserve or enhance areas with environmentally significant natural features in a greater fashion than what is required by this UDC.

(iv) Provide for shared open space in an amount greater than required by Section 6.3 and in a way that supports a variety of temporary uses or events with flexible provisions for gathering, parking, vending, circulation, and staging.

(v) Creation of a coordinated and integrated transportation system throughout the district provided that the plan facilitates multiple transportation modes, exceeds the inter-parcel connectivity required by the City's UDC or depicted in the City's Thoroughfare Plan, provides sufficient emergency vehicle access, and adequately manages stormwater runoff.

(vi) Show proposed PDD boundaries. Or if an amendment, if and how the proposed amendment has the effect of altering the existing PDD boundaries;

(ii) Show proposed land uses. Or if an amendment, show if and how the proposed amendment has the effect of changing, adding, or removing uses as listed in the ordinance adopting the PDD or amendments thereto;

(iii) Show allocation and amount of land uses. Or if an amendment, if and how a proposed amendment has the effect of increasing or reducing land allocated to a particular use or uses in a way that is different from the ordinance adopting the PDD or amendments thereto;

(iv) Show residential density or maximum square footage of any non-residential land use, and proposed traffic impacts. Or if an amendment, if and how a proposed amendment has the effect of increasing or decreasing the residential density or maximum square footage of any non-residential land use authorized in the PDD, and whether any increase triggers the need to update or amend any associated Traffic Impact Analysis; and

(v) Show total impervious coverage and park, open space and landscaped areas. Or if an amendment, if it will result in a net increase of impervious coverage or net decrease in park, open space or landscaped area.

~~2. Special criteria for amendments. Additionally, requested PDD amendments shall not:~~

- ~~(i) Have the effect of altering the PDD boundaries;~~
- ~~(ii) Have the effect of authorizing uses that are prohibited or are not listed within the ordinance adopting the PDD or amendment thereto or removing uses that are authorized;~~
- ~~(iii) Increase or reduce land allocated to a particular use or uses in a way that is inconsistent with the ordinance adopting the PDD or amendment thereto;~~
- ~~(iv) Increase or decrease the residential density or maximum square footage of any non-residential land use authorized in the PDD by more than ten percent (10%), provided any increase does not trigger the need to update or amend any associated Traffic Impact Analysis; and~~
- ~~(v) Result in a net increase of impervious coverage or net decrease in park or landscaped area.~~

~~A3. If the Planning Director finds that the request does not meet the above criteria, the Applicant must resubmit the request to City Council as a rezoning request to a zoning district listed in Section 3.1.7 [3.2.2] of this UDC in accordance with the procedures of Section 3.1.8.~~

D. Fees, forms, and procedures.

1. The City's adopted Fee Schedule will establish fees relating to the Planned Development District ~~creation, amendment, and~~ approval process.

2. The City will not approve a Planned Development District ~~or PDD~~ amendment for a property until the property owner provides evidence demonstrating payment of indebtedness (see Section 1.4.2.D).

3. The City is hereby authorized to prepare application forms that include requirements for information, checklists, architectural or engineering drawing sizes and contents, contact information for the property owner, applicant, and technical consultants, and any other information ~~or technical assistance~~ necessary to review the amendment application for compliance with City codes.

4. The applicant is responsible for submitting the application by the deadline indicated on the City's published Development Schedule.

5. The Planning ~~Director and Development Department~~ is responsible for maintaining and making available the application forms applicable to a Planned Development District request.

6. The application forms may be revised or changed at any time without notice, consistent with the UDC ~~at the direction of the City Manager or designee~~.

E. ~~Letters of certification and~~ Pre-application meeting. ~~The Planning Director may require new or updated Letters of Certification (see Section 1.4.1) and recommend that a~~ A Pre-application Meeting (see Section 1.2.1 [1.3]) ~~shall~~ take place prior to submittal of an application to ~~create or~~ amend a Planned Development District.

F. Planned development master plan required.

1. An application to create or amend a Planned Development District must be accompanied by a Planned Development Master Plan.

2. The Planned Development Master Plan shall consist of two components:

(i) Planned Development (PDD) Design Statement; and

(ii) Planned Development (PDD) Concept Design Map.

3. The ~~Planning Director~~City Manager or Designee, Planning and Zoning Commission, or City Council may also require the applicant to produce other supporting documents and exhibits demonstrating how the Planned Development District will meet the goals of this section and the Comprehensive Plan.

4. PDD design statement. The PDD Design Statement is a written report containing each of the following elements:

(i) The name or title of the development to be authorized by the Planned Development District (PDD);

(ii) Identification of the base district or districts upon which the PDD regulations are based and a list of all standards applicable to the base district(s), and a list of those standards that the applicant proposes to modify with the PDD;

(iii) If applicable, a list of requested Subdivision Waivers. Any Subdivision Waiver included in a PDD Ordinance will govern approval of any Preliminary, Final or other Plat associated with the property subject to the PDD;

(iv) List of property owners, a property ownership affidavit, and list of developers. If a master developer initiates the application, the PD Design Statement must contain, if known, a list of prospective developers for subsequent phases or areas within the PDD;

(v) A description of the location of the PDD and its relationship to abutting land uses, whether existing or proposed, and or the zoning of neighboring properties. The description should address at a minimum properties and land uses within a one-quarter (1/4) mile radius of the PDD. The ~~Planning Director~~City Manager or designee, Planning and Zoning Commission, or City Council may require that the description include properties outside of this area based on the size of the proposed PDD or the projected impact or relationship between the proposed district and abutting or adjoining districts;

(vi) A description of existing and proposed streets that abut, connect to, or may be impacted by the proposed PDD;

(vii) A description of proposed streets within the PDD, including any requested waivers to applicable street standards (see Section 2.5), street design and streetscape concepts, and the relationship of the proposed streets with existing or proposed streets outside the PDD. The applicant is encouraged to utilize the PDD to create street sections that exceed City standards for aesthetic appeal, multi-modal configurability, and traffic calming;

(viii) Description of the PDD concept, including a breakdown of proposed acreage or square footage of land uses, sub-districts, or areas, building types, relationships between buildings, streets, and

open space, residential density, if applicable, and proposed restriction of uses, building orientation, site access, and other characteristics that will define the district or as deemed necessary by the City;

(ix) Analysis of existing elevation, slope, soils, existing trees based on a tree survey, and drainage characteristics and the strategies the PDD will utilize to protect and preserve these features in their natural condition;

(x) Topographic map with minimum two (2) ft. contour intervals;

(xi) Analysis of drainage area acreage and existing ponds, critical environmental features, and flood plain, if any;

(xii) Identification of existing and proposed utilities and Public Facilities;

(xiii) Description of proposed phasing or sequence of development;

(xiv) Additional material requested by the City.

#### 5. PDD concept design map.

(i) The PDD Concept Design Map (Design Map) is a graphic representation of the master plan for a PDD.

(ii) The Design Map must be consistent with the PDD Design Statement.

(iii) The Design Map must be created to a legible scale and contain sufficient detail to articulate the physical plan for implementing the components of the PDD Design Statement within the context of the proposed PDD.

(iv) The Design Map components include, but are not ~~be~~ limited to locations of proposed land uses, streets, property lines, landmark features, entryway features, building locations, parking locations, open space and common areas to be constructed with each phase of development, pedestrian facilities (i.e., sidewalks, paths), identification of the developer or developers responsible for constructing the common features, anticipated location of stormwater management facilities and the timing and responsibility for construction.

(v) As a supplement to the Design Map, ~~the Planning Director may require that~~ the applicant shall provide conceptual images of building types, open space, and streetscapes.

6. Approval or amendment of ~~an amended~~ planned development master plan. Upon approval by City Council, the ~~amended~~ Planned Development Master Plan or amendment thereof will become part of the ordinance authorizing the Planned Development District.

#### 7. Expiration of planned development master plan.

(i) The Planned Development Master Plan will expire two (2) years from the date of approval if the applicant has made no Progress Towards Completion within the Planned Development District.

(ii) If a PDD is borne out of a Development Agreement that outlined certain development and design standards, responsibilities, and procedures relating to the development of a property and that are not consistent with a zoning district established by this UDC, the PDD Master Plan shall expire the sooner of two (2) years from the date of PD approval or on the expiration date established by the Development Agreement.

(iii) If the Planned Development Master Plan expires, the applicant must submit a new Planned Development Master Plan for approval according to the procedures specified in this Section 3.4.5 [3.5.5].

(iv) Expiration of the Planned Development Master Plan does not invalidate the Planned Development District. Any new Planned Development Master Plan must comply with the Planned Development District regulations set forth in the adopting ordinance and with this UDC.

#### G. Applicability and integration of Planned Development Districts approved prior to UDC.

1. A Planned Development District approved prior to adoption of this UDC shall be governed by the ordinance that created the original Planned Development or the most recent amendment to the ordinance unless the Planned Development District is otherwise re-designated in this UDC and on the Official Zoning Map.

2. Any amendments proposed subsequent to adoption of this UDC to a Planned Development District approved prior to adoption of this UDC must comply with this UDC unless otherwise stated in the previously adopted PDD Ordinance.

~~3. PDDs existing at the time of adoption of this UDC that are eighty (80) acres or greater in size may request a text amendment to this UDC to create a new zoning district for the redevelopment of the property included within the PDD, consistent with the zoning change process in Section 3.1.8; Amendment to Zoning Map or Text, rather than an amendment to the PDD.~~

#### H. Approval process.

1. The Planning ~~Department Director~~ will review the Planned Development District ~~new application~~ or amendment application and will prepare a report ~~with a recommended action~~ to the Planning and Zoning Commission.

2. The ~~Planning Director~~ City will post public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for a Planned Development District or amendment thereto according to the same requirements applicable to a zoning change request in accordance with state law (see Section 3.1.8, Amendment to Zoning Map or Text).

3. The Planning and Zoning Commission will conduct a public hearing, consider the report ~~and recommendation~~ of the Planning ~~Department Director~~, and make recommendation to the City Council.

4. The City Council may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Planned Development District or amendment thereto.

~~5. Once City Council approves, approves with conditions, or denies the Planned Development District amendment, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.~~

~~6. If the Planning and Zoning Commission votes to recommend denial of a Planned Development District, City Council may only approve the application by a three-fourths (3/4) majority.~~

I. Requirement to submit site plan for Planned Development District. The applicant must submit a Site Plan for review and approval before receiving a Building Permit or permit to begin construction within the Planned Development District.

## 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.

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