



BEE CAVE
TEXAS

AGENDA

Regular Meeting

Planning and Zoning Commission

Tuesday, August 20, 2024

6:00 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

A quorum of the Bee Cave City Council may be present.

THE CITY OF BEE CAVE COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT THE CITY SECRETARY OFFICE AT (512) 767-6641 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

1. Call meeting to order
2. Roll Call
3. Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Dimensional Standards.
4. Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Special Use Permits.
5. Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Planned Development Districts.
6. Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Zoning Districts.
7. Agenda Planning
8. Adjournment

The Commission may go into closed session at any time when

permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Commission must be present, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.



Planning and Zoning Commission Meeting
8/20/2024
Agenda Item Transmittal

Agenda Item: 3.

Agenda Title: **Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Dimensional Standards.**

Commission Action:

Department: **Administration**

Staff Contact: **Carly Pearson, Director of Planning & Development**

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council held its first Mixed-Use/Multi-Family Workshop on June 18th and the second was held on July 29th. Council held this workshop to understand and clarify some of the new regulations that were proposed to be included in the Unified Development Code. The education workshop included a presentation following up on the current code language discussed at both Workshops. City staff presented the information requested, and City Council provided direction to city staff for actions to be considered and move forward to a City Council agenda for action.

b) Issues and Analysis

After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. **Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.**
2. Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.
3. Update the Planned Development District (PDD) section to rescind the ban on PDD's and once again allow them for creative and responsive development within the City of Bee Cave when appropriate and

desired.

4. Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
□ UDC Amendments Dimensional Standards	Backup Material

ORDINANCE NO. ____

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 United 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 affect and shall read as follows:

* * *

SEC. II.

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§ 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.

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(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.

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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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Ord. 534 UDC Amendments May 2024

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



*Planning and Zoning Commission Meeting
8/20/2024
Agenda Item Transmittal*

Agenda Item: 4.

Agenda Title: **Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Special Use Permits.**

Commission Action:

Department: **Administration**

Staff Contact: **Carly Pearson, Director of Planning & Development**

1. INTRODUCTION/PURPOSE

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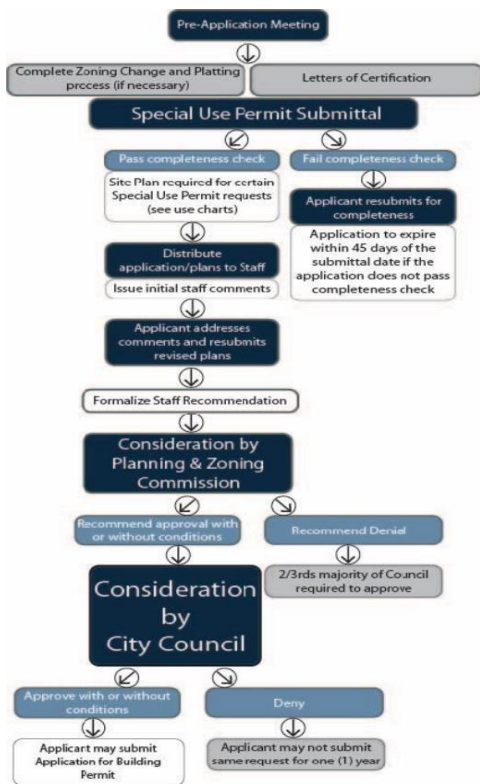
SEC. II.

§ 3.5.6 Specific use permit.

A. Purpose. The uses listed under the various districts within the Use Chart as "S" are so classified because the City Council has found that these uses may, because of their nature or intensity, be incompatible with other permitted uses in the same or adjacent district or may be compatible only with mitigation imposed through additional standards and conditions attached to the use.

B. Specific use permit applicability.

Figure 3.5.6-1: Specific Use Permit Approval Process



1. The designation of a use as permissible by Specific Use Permit (SUP) does not mean that City Council will approve the use at any location in the zoning district.

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2. Approval of an SUP does not authorize any use other than the particular use authorized in the SUP.

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3. An SUP is a land use entitlement granted to a particular property or location and may be transferred from owner to owner so long as the SUP remains in compliance with and unexpired (see subsection 3.5.6.G).

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4. No Specific Use Permit may be enlarged, extended, or relocated unless City Council approves a new Specific Use Permit.

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~~5. The Planning Director has the authority to waive the requirement for a Site Plan or other technical documents with submission of a Specific Use Permit if the Director finds that preparation of a Site Plan is unnecessary based on the level of disturbance or alteration of the property. If the Site Plan requirement is waived, the Director may request information needed to review compatibility of the proposed use:~~

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C. Site plan approval required for certain SUPs and PDDs.

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1. The ~~Planning Director~~ City Manager or designee has the authority to waive the requirement for a fully-engineered Site Plan ~~or other technical documents~~ with submission of a Specific Use Permit if the ~~City Manager or designee~~ Director finds that preparation of a fully-engineered Site Plan is unnecessary, ~~and that a non-fully-engineered Site Plan would be adequate for the City Council to determine appropriateness of a use only, or if the City Engineer recommends to the City Manager or designee such waiver~~ based on the level of disturbance or alteration of the property. If the fully-engineered Site Plan requirement is waived, a non-fully-engineered Site Plan will be required and the ~~Director~~ City Manager or designee may request information needed to review compatibility of the proposed use ~~for City Council's consideration~~.

(i) If a Site Plan is solely for an SUP or PDD land use or amendment, and otherwise conforms and is in compliance with the requirements of Section 3.5.4., and as long as it is adequate to convey conformance with all applicable UDC requirements, convey adequacy for the proposed use, structures and development, and convey conformance with a proposed concept and/or master plan, then it does not have to meet the requirement to be a fully-engineered site plan. All other sections and requirements of the UDC will still pertain as applicable.

(ii) In lieu of a fully-engineered Site Plan, when applicable under subsection (7), a Master Plan is required in addition to the Concept Plan and images if the project includes more than two (2) buildings.

Commented [CP1]: Moved these from C(2)(7&8) up to C(1)(I & ii) from better flow grammatically

~~24. Site plan with specific use permit request:~~ A Site Plan associated with a Specific Use Permit must conform with the following criteria:

Commented [CP2R1]: Also cleaned up grammatically by deleting the fragmented sentences I forgot to clean up from my draft.

~~(i) After the application is deemed complete in accordance with city intake requirements and state law, Planning Director issues a Certificate of Completeness for the application, the Planning Director Department will conduct a technical review of the application.~~

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~~(ii) The purpose of the technical review is to determine the following criteria are met:~~

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(1) The Site Plan and associated Specific Use Permit comply with the regulations of this UDC, the underlying zoning district, and all other applicable development regulations;

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(2) The Site Plan and associated Specific Use Permit promote the goals and objectives of the Comprehensive Plan;

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(3) Buildings and structures utilized in the operation of the Specific Use Permit are adequate to support the use or can be improved to support the use;

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(4) The Site Plan and associated Specific Use Permit prevent or mitigate any adverse impacts, including overcrowding and congestion;

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(5) The Site Plan and associated Specific Use Permit does not conflict with any requirements or standards of Article 2 or the applicant has obtained the necessary Subdivision Waiver (see subsection 2.6.1);

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(6) The Site Plan conforms and is in compliance with the requirements of Section 3.5.4.

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(iii) Special Standards for Buildings Exceeding the Maximum Building Footprint or Maximum Building Height

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Buildings proposed to exceed the Maximum Building Footprint or Maximum Building Height shall obtain an SUP. Council may as part of the SUP approval in these cases also require the following:

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1. Circulation Amenities: A safe and landscaped multimodal circulation system shall be provided on site which connects to public streets and neighborhoods. Multimodal pathways within the development shall be differentiated from driving surfaces through a change in materials. At least one substantial amenity, this chapter, shall be provided for every two thousand five hundred (2,500) square feet of structure footprint.

2. Facades And Exterior Walls, Including Sides And Backs: The building shall be designed in a way that will reduce the massive scale and uniform appearance, and will provide visual interest consistent with the community's identity, character, scale and Design Features menu as described the Unified Development Code. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public street or area (e.g., parking lots, walkways, etc.) on site.

3. Roofs: The roof design shall include articulation and architectural features that contribute to the visual interest at the pedestrian scale and reduce the massive scale of large buildings, as described the Unified Development Code. Roof features shall complement the architectural and visual character of the area. Roofs shall have the appearance of two (2) or more roof planes either through architectural features or engineered design. Parapet walls shall be architecturally treated to avoid a plain, monotonous look. Roofs shall be lightly colored, vegetative or photovoltaic.

4. Building Design: All buildings shall provide a direct unencumbered multimodal connection to an abutting street. All buildings shall be designed so that parking is not located along the primary street of the building. Nonmotorized parking shall be permitted along the primary facade of the building. A buffer with a minimum width of ten feet (10') will be maintained between parking areas

and all bike trails, pedestrian ways and public sidewalks. Building entrance(s), windows, roof drop areas, and other such building features shall have an appropriate setback so as not to interfere with the safe movement of pedestrians and cyclists in ambulatory areas.

5. Adaptability For Reuse/Compartmentalization: The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include, but are not limited to, compartmentalized construction (including MEP, when possible). The building design shall also allow for: the interior subdivision of the structure into separate tenancies; facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building; parking lot schemes that are shared by tenants or are linked by safe and functional pedestrian connections; landscaping schemes that complement a multiple entrance design; and other elements of design which facilitate multi-tenant reuse of the building and site, including human-scale façade and landscape design on the ground-floor.

6. Renewal Plan: Applications shall include a renewal plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the city finds that:

- a. A sound and adequate plan exists for said redevelopment; and
- b. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
- c. The renewal plan provides a maintenance plan for normal repairs and upkeep of property, including, but not limited to, building, parking lot and surfacing, landscaping, signage, and elimination of "ghost signage".

7. Redevelopment Agreement: The city may enter a redevelopment agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A redevelopment agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for a specified use or uses consistent with the provisions of this title and offering recourse to the city if the redevelopment is not completed as determined by the city.

8. Exemptions: Government offices, courthouses, libraries, museums, community centers, and hospitals are exempt from the required conditional use permit requirement of this section but shall conform to all other standards identified in this section

(iv) Use of existing building.

(1) If the Site Plan and Specific Use Permit request involves use or expansion of existing buildings or structures, the Building Official may conduct an inspection of buildings or structures to be utilized or expanded with the Specific Use Permit after the applicant submits an application for Specific Use Permit to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.

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(2) The City Council may condition approval of the Site Plan with Specific Use Permit on compliance with the Building Official's recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions.

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(iv) Public hearings required. The Planning Director will review the Site Plan according to the criteria in Subitem B. above and will prepare a report ~~with a recommended action~~ to the Planning and Zoning Commission.

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(1) The Planning Director will publish public notice and mail individual notices to property owners within 200 feet of the subject property describing the request for Site Plan associated with a Specific Use Permit according to the same requirements applicable to a zoning change request (see subsection 3.1.8).

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

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~~(3) If the Planning and Zoning Commission recommends denial of a Site Plan with associated Specific Use Permit, City Council may only approve the application by a three-fourths (3/4) majority.~~

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(4) The City Council may, after conducting a public hearing, vote to approve, approve with conditions, or deny the Site Plan and associated Specific Use Permit.

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~~(v) Letter of decision. Once City Council approves, approves with conditions, or denies the Site Plan and associated Specific Use Permit, the Planning Director will issue an official Letter of Decision within ten (10) calendar days.~~

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D. Compatibility conditions.

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1. City Council may approve an SUP on the condition that modifications or improvements be made to the property or site on which the SUP will be conducted to bring the property or site into conformance with this UDC including, but not limited to, improvements to lighting, parking or parking surfaces, drainage, screening, landscaping, building construction or design, signage, site access, or other improvements that will mitigate the impact of the SUP or bring the site into conformance with this UDC.

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2. The Planning and Zoning Commission may recommend and City Council may require conditions and safeguards with approval of any SUP for the purpose of protecting other properties within the same or abutting zoning district.

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3. The Planning and Zoning Commission or City Council, in evaluating the SUP request, may require any additional information beyond that required by the Planning Director or this subsection 3.5.5 [3.5.6], including studies, data, or expert evaluation of the location, function, or characteristics of any use or building proposed in connection with the SUP.

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4. No SUP may be approved that is not in conformance with the Comprehensive Plan and this UDC.

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E. Specific use permit effect of approval.

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1. By approving an SUP, the City authorizes the applicant to receive approval of a Site Plan associated with the property for which the SUP was approved and receive a Site Plan Permit, and to apply for approval of a Building Permit(s).

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2. If an Applicant does not withdraw their SUP request prior to City Council approval, that shall constitute evidence of the applicant's willingness to accept and agree to be bound by and comply with the ordinance adopting the SUP, and all supporting documentation including business and operational plans, floor plans, required improvements and conditions of approval and the minimum requirements of the zoning district in which the property is located.

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3. During the time the SUP remains valid, the City will not apply additional requirements concerning building placement, streets, drives, parking, landscaping, or screening, that are not otherwise required by this UDC, or required for health, safety, and welfare.

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4. SUP approval is separate and distinct from other permits and approvals required by the UDC or other regulatory agencies.

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F. Amendments to approved specific use permits.

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1. An amendment to any approved SUP will be processed as a new Specific Use Permit request.

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2. While the SUP is in effect, no building, premise, site, property, or land used in association with the SUP may be enlarged, modified, altered physically or structurally other than for repairs or renovations to the facade, roof, building interior, fencing, or paving that do not expand the footprint of the use, building or site, unless City Council approves a new SUP.

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G. Specific use permit expiration.

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1. Unless otherwise specified by ordinance adopted by the City Council, any SUP will expire under the following scenarios:

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(i) If, after the SUP is granted, the applicant does not obtain a Building Permit or Certificate of Occupancy within twelve (12) months of Council approval; or

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(ii) After six (6) months of continuous disuse or vacancy of the building or property associated with the SUP.

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2. ~~The Planning Director, in~~ determining whether an SUP has expired, ~~if the applicant contests in writing to the determination, the City shall~~ require that the property owner or applicant submit documentation showing that the building or property associated with the SUP has been occupied within the six (6) month period in question. Evidence shall be in the form of one or more utility bills showing water and electricity usage applicable to the six-month period in question, photographs, invoices for business expenses related to operation of the use, and ~~must include~~ sales receipts related to the use, as applicable. At their discretion, the Planning Director may accept other forms of evidence.

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3. If an applicant relies upon fraudulent or misleading information in obtaining a continuation of an SUP that would otherwise have expired due to disuse, the Planning Director is authorized to revoke the SUP and the Building Official is authorized to revoke the Certificate of Occupancy from the business or property owner.

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4. The applicant may request an extension or appeal the decision of the Planning Director to expire the SUP to the City Council. The City Council may establish an extension period of up to six (6) months beyond the date of its decision during which the SUP will remain valid. If the applicant does not obtain a Certificate of Occupancy within the extension period, the SUP will automatically expire. The City Council's decision shall be final.

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H. Revocation of specific use permit approval.

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1. The City Council may, upon recommendation by the Planning Director and the Planning and Zoning Commission, vote to revoke a Specific Use Permit upon finding that the business or property owner operating under the SUP has violated the requirements, standards, or conditions of the ordinance adopting the SUP or any other requirement or restriction found in this UDC.

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2. As an alternative to revoking the SUP, the City Council may vote to place the business or property owner on probation for up to one (1) year, subject to such criteria as the City Council deems appropriate to ensure the legal operation of the use and the protection of the public health, safety, and welfare.

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3. Unless approval for the SUP was obtained by fraud or deceit, an SUP is a zoning and land use entitlement that may only be revoked by action of the City Council.

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J. Action by city attorney. If an SUP expires or is revoked under this Section 3.5.6 and the business or property owner continues operation or does not vacate the site, the City Attorney is authorized to obtain an injunction to prevent the business or property owner from continuing to operate. The business or property owner may be held liable for any penalties under the ordinance approving the SUP or provided under this UDC or the Bee Cave Code of Ordinances.

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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: _____

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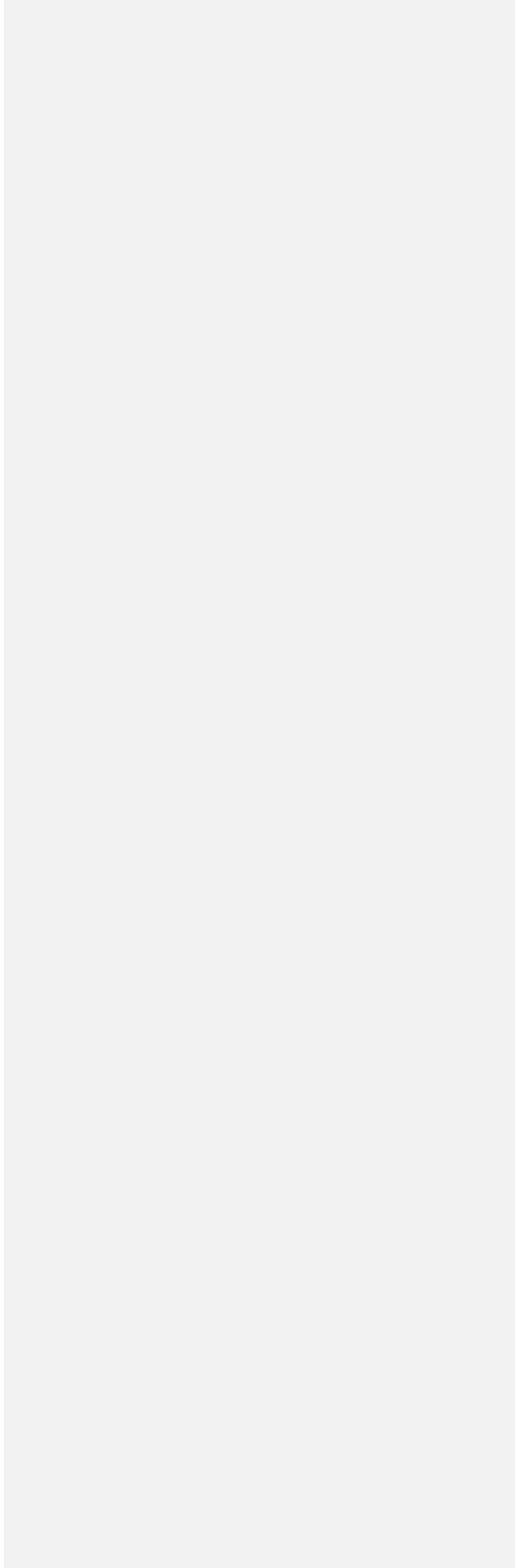
Jo Ann Touchstone, City Secretary

[SEAL]

APPROVED AS TO FORM:

City Attorney: _____

Ryan Henry, Law Offices of Ryan Henry, PLL





Planning and Zoning Commission Meeting
8/20/2024
Agenda Item Transmittal

Agenda Item: 5.

Agenda Title: **Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Planned Development Districts.**

Commission Action:

Department: **Administration**

Staff Contact: **Carly Pearson, Director of Planning & Development**

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

City Council held its first Mixed-Use/Multi-Family Workshop on June 18th and the second was held on July 29th. Council held this workshop to understand and clarify some of the new regulations that were proposed to be included in the Unified Development Code. The education workshop included a presentation following up on the current code language discussed at both Workshops. City staff presented the information requested, and City Council provided direction to city staff for actions to be considered and move forward to a City Council agenda for action.

b) Issues and Analysis

After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.
2. Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.
3. **Update the Planned Development District (PDD) section to rescind the ban on PDD's and once again allow them for creative and responsive development within the City of Bee Cave when**

appropriate and desired.

4. Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
▣ UDC Amendments PDD	Backup Material

ORDINANCE NO. ____

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:

* * *

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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.

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B. Procedures and standards: see subsection 3.5.5.

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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~~

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~~In addition to this UDC, the City has made use of Planned Development Districts as a 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.

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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:

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1. General legacy PDD criteria.

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(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:

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

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

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(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.

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(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.

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

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(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.

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(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.

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(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;

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(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;

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(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

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(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.

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

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~~(i) Have the effect of altering the PDD boundaries;~~

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~~(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;~~

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~~(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;~~

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~~(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~~

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~~(v) Result in a net increase of impervious coverage or net decrease in park or landscaped area.~~

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~~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.~~

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

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~~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).~~

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~~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.~~

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

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

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~~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.~~

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~~E. Letters of certification and)pPre-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.~~

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~~F. Planned development master plan required.~~

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

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

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

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

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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.

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

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

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(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;

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(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;

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(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;

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(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;

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

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(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;

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(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

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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;

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

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

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

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

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(xiv) Additional material requested by the City.

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5. PDD concept design map.

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

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

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(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.

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(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.

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(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.

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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.

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7. Expiration of planned development master plan.

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(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.

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(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.

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(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].

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(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.

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

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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.

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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.

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~~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.~~

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H. Approval process.

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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.

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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).

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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.

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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~~.

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~~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:~~

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~~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.~~

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J. 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.

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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



*Planning and Zoning Commission Meeting
8/20/2024
Agenda Item Transmittal*

Agenda Item: 6.

Agenda Title: Public hearing, discussion, and possible action on an Ordinance to amend the Unified Development Code, Article 3 Zoning Regulations regarding Zoning Districts.

Commission Action:

Department: Administration

Staff Contact: Carly Pearson, Director of Planning & Development

1. INTRODUCTION/PURPOSE

The purpose of this agenda items is for the City Council to discuss, review, and consider approval of the Amendment to Article 3 of the Code of Ordinances, regarding zoning districts and standards in the City of Bee Cave.

2. DESCRIPTION/JUSTIFICATION

a) Background

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After citizen and stakeholder feedback, Council determined and directed city staff to make some revisions to Article 3 of the UDC for consideration and action. The items directed by Council, and before you on this agenda, are:

1. Update zoning dimensional standards of building height and footprint to be more in line with practical development constraints and priorities of Bee Cave.
2. Update the Special Use Permit (SUP) process to be easier, faster and less expensive for applicants to seek, by removing the mandatory fully-engineered site plan requirement and included allowing a simple SUP process for increased building height and footprint when appropriate and desired.
3. Update the Planned Development District (PDD) section to rescind the ban on PDD's and once again allow them for creative and responsive development within the City of Bee Cave when appropriate and desired.

4. Amend and add new zoning districts, which are: adding appropriate commercial amenity uses to Multi-Family zone, R-5, which now will be called Multi-Family & Amenity District, and adding new Commercial zoning options, C-1 (Neighborhood Commercial) and C-2 (Medium Commercial) for use when appropriate and desired.

3. FINANCIAL/BUDGET

Amount Requested	Fund/Account No.
Cert. Obligation	GO Funds
Other source	Grant title
Addtl tracking info	

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

Staff recommends consideration of and action on the ordinance as presented and prepared according to Council direction.

ATTACHMENTS:

Description	Type
□ UDC Amendments Zoning Districts	Backup Material

ORDINANCE NO. ____

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 exterritorial 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 the 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 United 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 affect and shall read as follows:

* * *

SEC. II.

§ 3.2.2 Zoning districts established.

A. The City of Bee Cave is divided into zones, also called districts, and the boundaries of zoning districts set out in this Section are delineated on the Official Zoning Map.

B.

All land within the City Limits is classified into the districts shown in Table 3.2-1: Zoning Districts.

Table 3.2-1: Zoning Districts

Residential Districts

AG - Agriculture District

R-1 - Residential Estate District

R-2 - Suburban Residential District

R-3 - Suburban Transitional District

R-4 - Urban Residential District

R-5 – Multifamily & Amenity Residential District

Mixed-Use Districts

MU-N - Neighborhood Mixed-Use District

MU-C - Community Mixed-Use District

MU-TC - Town Center Mixed-Use District

Commercial Districts

C-1 – Neighborhood Commercial District

C-2 - Medium Commercial District

CR-3 - Regional Commercial District

Specialty Districts

PDD - Planned Development District

P - Public District

§ 3.2.3 Zoning equivalency.

Table 3.2-2: Zoning Equivalency Chart identifies zoning districts that existed under the previous zoning ordinance and the zoning district and regulations that now apply in this UDC to each district.

Table 3.2-2: Zoning Equivalency Chart

Former District	Equivalent under UDC
A – Agriculture	AG - Agriculture District
SF-RR - Single-Family Rural Residential	R-1 - Residential Estate District
SF-20 - Single-Family Estate Residential-20	R-2 - Suburban Residential District
No Equivalent	R-3 - Suburban Transitional District
SF-PH - Single-Family Residential Patio Home	R-4 - Urban Residential District
SFA - Single-Family Attached Residential (townhome)	
MF1 - Multi-Family Residential-1	R-5 - Multifamily Residential District
O - Office	
R – Retail	C-1 Neighborhood Commercial
NS - Neighborhood Service	MU-N – Mixed-Use Neighborhood
TC - Town Center	MU-TC - Town Center Mixed-Use District
C – Commercial	C-2 - Medium Commercial District
	CR-3 - Regional Commercial District
MU - Mixed Use	MU-C - Community Mixed-Use District
R – Retail	MU-N – Neighborhood Mixed-Use District
P - Public Use	P - Public District
PD - Planned Development	
	PDD - Planned Development District
PRO - Planned Residential Overlay	
CUP - Conditional Use Permit	District-SUP suffix

Table 3.2-2: Zoning Equivalency Chart

Former District	Equivalent under UDC
No Equivalent	Hill Country Corridor Overlay

§ 3.2.9 Multifamily & Amenity Residential District (R-5).



A. Intent. The R-5 - Multifamily & Amenity Residential District is an attached residential district and contains uses that are more intensive than other residential districts. It is also intended to provide an option for small-scale amenity commercial uses to go with multi-family residential where appropriate. The principal permitted land uses include detached low- and mid-rise multiple-family dwellings with primarily shared open space and parking. The district also accommodates complementary commercial and residential uses such as café or retail space on the ground floor of residential building or as a separate building. These regulations are intended to reduce and mitigate negative impacts to light, air, visual intrusions, and noise. Recreational, religious, health, and educational uses normally located to serve residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail or commercial development or heavy automobile traffic and medium or low-density residential development. This district is intended to contribute to community character by providing convenient pedestrian access to neighborhood services and the critical mass of population needed to support those services.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: Section 3.4.3.

3. Non-Residential and Mixed-Use Design Standards: 3.4.5.

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.10 Neighborhood Mixed-Use District (MU-N).



A. Intent. The Neighborhood Mixed-Use District (MU-N) is intended to provide a transition between single-use residential districts and the City's major thoroughfares. The MU-N district accommodates neighborhood-scale commercial uses and complementary residential uses such as stacked units above retail or commercial space on the ground floor. The District is designed to serve residents within a 5-minute drive or 10-minute walk. Lots are to be served by Public Facilities such as public streets with curb and gutter and with water and wastewater infrastructure. Buildings should be designed with a high level of sensitivity to the character of the surrounding neighborhood. This district is intended to contribute to community character by providing convenient pedestrian access to commercial services and the critical mass of population needed to support those services.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.11 Community Mixed-Use District (MU-C).



A. Intent. The Community Mixed-Use District (MU-C) is intended to accommodate housing demand along with demand for community-serving retail and commercial uses. urban housing and neighborhood-scale commercial capable of integrating with the highest intensity commercial and mixed-use districts in the City. The Neighborhood Mixed-Use District (MU-C) allows for a diversity of commercial and residential uses, such as ground floor retail and services with offices or multi-family residential units stacked above, small office buildings, and townhomes. Lots are to be served by Public Facilities such as public streets with curb and gutter and with water and wastewater infrastructure. Because most units lack private yards in these types of developments, generous amenities and public or private open space are necessary to maintain a high quality of life and to provide recreational opportunities. Buildings should be built to the street where possible to contribute to a lively and unbroken streetscape as well as to allow for the efficient provision of large, usable open spaces within or adjacent to the development. Buildings should be designed with a sensitivity to their context and serve as major contributors to the character of the surrounding area and street corridor. The fundamental characteristics of the district should be flexible as to the size and depth of properties. On narrower or shallower properties less than 300 feet deep, more traditional strip commercial uses may be permissible if the overall fabric of the street is not disrupted. This district is intended to provide convenient pedestrian and auto access to commercial services that draw from outside the immediate neighborhood, requiring careful attention to be paid to creating and preserving transportation facilities and connections.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].
 2. Residential Design Standards: N/A.
 3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].
 4. Residential Adjacency: Section 3.4.7.
 5. Accessory Buildings and Structures: Section 3.4.9.
 6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.
 7. Signage: Article 4.
 8. Landscaping: Article 5.
 9. Supplemental Development Standards: Article 6.
- § 3.2.12 Town Center Mixed-Use District (MU-TC).**



A. Intent. The Town Center Mixed-Use District (MU-TC) is intended to function as Bee Cave's downtown, incorporating an intentional mixture of commercial, retail, business, residential, and civic uses. Buildings should be carefully planned to frame and provide access to public plazas and

signature features. Foot traffic should be the prevailing form of transportation, with streetscapes and intersections designed to minimize high-speed auto traffic. On- and off-street parking should be discreet and shared between uses. Existing parking lots and parking garage facades are considered temporary features and may be redeveloped consistent with the guidelines of the Town Center Mixed-Use District (MU-TC).

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and Bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.13 Neighborhood Commercial District (C-1).



A. Intent. The Neighborhood Commercial District (C-1) is a commercial district intended primarily for non-auto-oriented, residential services business uses such as coffee cafés or neighborhood servicing commercial uses. This district allows for a variety of light commercial uses that will serve as a transitional zone between residential and less intense commercial uses. Permitted uses will be those of a less intense nature that will aesthetically blend with the residential character of the area while permitting commercial enterprises.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.14 Medium Commercial District (C-2).



A. Intent. The Medium Commercial District (C-2) is a commercial district that allows a mix of commercial uses including, retail, office, local bank, and similar uses excluding residential and multifamily. This district allows the retail sale of goods and products that provide a healthy and diverse commercial base.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.145 Regional Commercial District (CR-3.)



A. Intent. The Regional Commercial District (CR) is a commercial district intended primarily for auto-oriented business uses such as big-box retail or heavier commercial uses. Properties zoned Regional Commercial are generally not appropriate directly abutting a low-density (R-1, R-2) residential district. Redevelopment of existing properties not zoned CR should occur under an MU zoning district to prevent an increase in auto-oriented development.

B. Permitted uses: Section 3.3.5.

C. Dimensional standards: Section 3.4.1.

D. Other regulations.

1. Parking Standards: Section 3.4.1.C [3.4.2].

2. Residential Design Standards: N/A.

3. Non-Residential and Mixed-Use Design Standards and bonuses: Section 3.4.3 [3.4.5].

4. Residential Adjacency: Section 3.4.7.

5. Accessory Buildings and Structures: Section 3.4.9.

6. Non-Conforming Lots, Structures, and Uses: Section 3.4.11.

7. Signage: Article 4.

8. Landscaping: Article 5.

9. Supplemental Development Standards: Article 6.

§ 3.2.164 Public District (P).

§ 3.2.175 Planned Development District (PDD).

§ 3.2.186 Hill Country Overlay

§ 3.3.5 Use chart.

	AG	R-1	R-2	R-3	R-4	R-5	MUNICIPAL			C-1	C-2	CR-3	P	HCO	Parking See Section 3.3.6
Household Living															
Single-Family Residential, Detached	P	P	P	P										P	2 per unit
Duplex					P										2 per unit
Townhouse					P	P		P	P						2 per unit + 1 guest space per 5 units
Multi-Family Residential (3-5 units per lot)					P	P	P	P	P						1.5 per unit + 1 guest space per 5 units
Multi-Family Residential (6+ units per lot)						P	P	P	P						1.5 per unit + 1 guest space per 5 units
Accessory Dwelling Unit	P1	P1	P1	P1	P1	P1	P1	P1	P1					P1	1 per ADU

Independent Living Facility					P	P	P	P	P					P	1.5 per unit		
Manufactured Housing	P2														2 per unit		
Home Occupation See Section 3.4.10	P	P	P	P	P	P	P	P	P					P	Per unit type		
Office or Studio, Live-Work					P	P	P	P	P					P	Add 1 per commercial use in addition to residential		
Group Living																	
Assisted Living Home						S		S	S				S		S	1 per unit/room	
Community Home or Family Home	P3	P3	P3	P3	P3	P3	P3	P3	P3	P3					P3	2 per unit	
Halfway House													S4			Per SUP	
Temporary Lodging																	
Bed and Breakfast								P	P	P		P			P	1.5 per guest room in addition to residential	
Extended Stay or Residence Hotel									S				S			1.25 per guest room	
Hotel, Full Service									P	P				P		S	Minimum of 2.5 per guest room plus 1 per 250 sq ft for Conference Center and 1 per 250 sq ft of Restaurant (Sit-Down and

Retail Store, "Big Box"											S	P			1 per 250 sf	
Winery	S5					S				S5	S5			S5	1 per 250 sf of tasting room	
Personal Services and Other Commercial																
Artisan Studio	P					S	P	P	P		P			P	See Section 3.3.6	
Bank or Depository Financial Institution							P	P	P		S	P			1 per 400 sf	
Day Care, Child, Day Care, Adult See Section 3.4.10 for uses conducted as Home Occupation	S7	S7	S7	S7	S7	S7	P7	P7	P7		S7	P7	P7	P7	S7	1 per 400 sf or 1 per 4 pupils + 1 per employee
Mini-Storage (indoor uses only)								P					P		1 per 400 sf office/retail	
Outside Storage (as Accessory Use only)													P8		N/A	
Pawnshop													P		1 per 400 sf	

Personal Services						S	P	P	P		P	P	P			See Section 3.3.6
Tattoo or Body Piercing Studio													S			1 per 400 sf
Temporary Buildings	P9	P9	P9	P9	P9	P9	P9	P9	P9		P9	P9	P9	P9	P9	See conditions
Trade School (see Trade School under Educational Uses)																
Office and Business Services																
Light Manufacturing and Assembly													P			1 per 400 sf of office space; and 1 per 1,500 sf of assembly/warehouse space
Office, General							P	P	P		S	S			S	1 per 400 sf
Office, Medical (see Healthcare Uses under Civic and Cultural)											S	S				
Professional and Business Services (indoor)						S	S	P	S		P	P	P		S	See Section 3.3.6
Research and Development Lab							S10	S10	S10				S10			1 per 400 sf of office space; and 1 per 1,500 sf of

(Life Sciences)															assembly/warehouse space	
Security Quarters							P	P	P				P		P	2 spaces
Warehousing													P			1 per 5,000 sf
Auto/Vehicle-Related Uses and Services																
Parking (structured) See Section 3.4.2.H						P	P		P	P				P	P	N/A
Auto Parts Sales									S11	S11				S11		1 per 250 sf
Auto/Vehicle Repair														S12		1 per service bay
Car Service														S12		1 per 600 sf office
Car Wash								S	S					S		1 per wash bay
Electric Vehicle Charging Station or charging station Level 1 and Level 2, Accessory	P13	P13	P13	P13	P13	P13	P13	P13	P13	P13				P13	P13	N/A
Electric Vehicle Charging Station or charging station Level 3,					P13	P13	P13	P13	P13					P13	P13	N/A

Accessory															
Gas Station (with or without Convenience Store)							S14	S14	S14				S14		1 per pump and 1 per 250 sf retail
Quick Lube							S					S			1.5 per bay
Civic and Cultural															
Art Gallery or Museum						S	P	P	P		P	P	P	P	1 per 400 sf
Cemetery or Mausoleum	P	P	P	P	P	P	P	P		P	P	P	P	P	N/A
Community Center							P	P	P			P	P	P	1 per 250 sf
Community Center, Residential		P	P	P	P	P	P	P	P			P	P	P	1 per 250 sf
Conference Center									S			S		S	1 per 250 sf
Country Club		S	S	S	S										1 per 250 sf of buildings; and 5 spaces per golf course green, 3 spaces per tennis/sport court, 1 space per 400 sf of fitness club
Dance, Music, or						S	P	P	P		S	P	P		1 per 400 sf

Drama Studio																	
Emergency Care Facility											S	S			1 per employee + 1 per bed		
Government Building or Use	P	P	P	P	P	P	P	P	P		P	P	P	P	1 per 400 sf office		
Healthcare Uses							P	P	P		S	S	P	P	S	See Section 3.3.6	
Place of Worship	P	P	P	P	P	P	P	P	P		P	P	P	P	P	1 per 100 sf	
Private Club							S		S	S		S	S	S		1 per 100 sf	
	Educational Uses																
Auto Driving School								P	P	P		S	S	P	P		1 per 250 sf
College or University	S							S	S	S				S	S	S	Per SUP
K-12 School	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7				P7	P7	P7	Primary and Junior High: 1 space for each classroom plus 1 space for every four (4) seats in any auditorium, gymnasium or other common place of assembly (based on maximum design capacity). High School: 1 space for every three (3) students,

															faculty and staff, plus 1 space for every four (4) seats in any auditorium, gymnasium or other common place of assembly (based on maximum design capacity).
Private Tutoring or Focused Instruction							P7	P7	P7	P7	P7	P7		P7	1 per pupil or 1 per 200 sf
Trade School							S	S	S	S	S	S			Per SUP
	Entertainment, Fitness and Recreation														
Dance Hall, Night Club, or Live Music Venue								S5	S5			S5		S5	1 per 3 occupants or 1 per 400 sf or 1 per 3 seats
Fitness Boot Camp	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	P15	See Section 3.4.8.B.7
Fitness Gym or Health Club						S	P	P	P	S	S	P	P		1 per 400 sf
Golf Course or Disc Golf Course		P	P			S							P		3 per hole or basket

Private Park		P	P	P	P	P								P	Minimum of 5 spaces or 2 spaces per acre, whichever is greater; and amenity-based ratios (see Country Club)
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3 per acre
Recreation and Entertainment Uses (Indoors)						S		P	P	S	P	P	S	S	1 per 250 sf or per SUP
Recreation and Entertainment Uses (Outdoors)	S					S		S	S	S	S	S	S	S	1 per 3 seats or per SUP
Special Events Center	S							S	S		S	S	S	S	1 per 3 seats or per SUP
Adult-Oriented Businesses				See Section 6.5										1 per 250 sf	
	Utilities and Infrastructure														
Septic System (not cluster)	P	P	P												N/A
Small Wind Energy Systems	S	S											S		N/A
Utilities and			Permitted in accordance with applicable requirements of this UDC												

Infrastru cture																
Wireless Commun ications Facility			See Section 6.5.1 [6.6]													
Agriculture and Animal-Related Uses																
Animal- Related Uses (indoor only)	P						P	P	P			S	P	P	S	See Section 3.3.6
Animal- Related Uses (with outdoor compone nt)	S						S	S	S				S	S	S	See Section 3.3.6 a nd per SUP
Agricultu ral Uses	P	S													P	N/A

Notes:

¹ See subsection [3.4.8.B.1](#), Accessory dwelling unit.

² See subsection [3.4.8.B.11](#), Manufactured housing.

³ See subsection [3.4.8.B.5](#), Community home.

⁴ See subsection [3.4.8.B.10](#), Halfway house.

⁵ See subsection [3.4.8.B.2](#), Alcoholic beverage sales.

⁶ See subsection [3.4.8.B.12](#), Micro brewery or distillery.

⁷ See subsection [3.4.8.B.16](#), Schools, including daycares, preschools, private schools, trade schools.

⁸ See subsection [3.4.8.B.14](#), Outside storage.

⁹ See subsection [3.4.8.B.17](#), Temporary buildings.

¹⁰ See subsection [3.4.8.B.15](#), Research laboratory.

¹¹ See subsection [3.4.8.B.3](#), Auto parts sales.

¹² See subsection [3.4.8.B.4](#), Auto/vehicle repair.

¹³ See subsection [3.4.8.B.6](#), Electric vehicle charging stations.

¹⁴ See subsection [3.4.8.B.9](#), Gas station.

¹⁵ See subsection **3.4.8.B.7**, Fitness boot camp.

Editor's note—In the pdf document adopted by Ordinance 475, as posted on the city's website, the Use Chart in section **3.3.5** contained superscript reference numbers that were hyperlinks to the related standards in subsection **3.4.8.B**. The reference notes have been renumbered in order by the editor, and the applicable references are listed in the Notes above.

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