

ORDINANCE NO. 03-05-13

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 4.4145 ACRE TRACT OF LAND IN THE VILLAGE OF BEE CAVE, TEXAS, MAKING PROVISION FOR COMPLIANCE WITH THE VILLAGE'S ZONING ORDINANCE AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ESTABLISH THE ZONING ON THE OFFICIAL ZONING MAP OF THE VILLAGE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Owner of the land described in Exhibit "A" attached hereto (the "Property") has filed a petition for annexation of that land and has requested that the land be zoned Planned Development Mixed Use District; and

WHEREAS, property annexed into the Village is automatically zoned "Agriculture" until a specific zoning request is made; and

WHEREAS, the Property is a part of the 492.314 acre tract of land described in the Development Agreement entered into by and between the Village of Bee Cave, Texas and Spillman Development Group, Ltd., effective August 22, 2000 (the "Development Agreement"); and

WHEREAS, the notice as required by the Village's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners; and

WHEREAS, public hearings have been held by both the Planning and Zoning Commission and the Board of Aldermen as required by law; and

WHEREAS, there has not been any protest made against the proposed change of Zoning Classification; and

WHEREAS, Sec. 14.127 of the Village Zoning Ordinance provides that the purpose of a Planned Development District is to provide for the development of land as an integral unit for single or mixed use in accordance with a Planned Development Concept Plan ("PD Concept Plan") that may include uses, regulations and other requirements that vary from the provisions of other zoning districts, and to encourage flexible and creative planning to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community; and

WHEREAS, a complete application for the establishment of a Planned Development District, consisting of the Development Agreement and other documents provided by Spillman Ranch Development Group, Ltd. have been submitted to the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BEE CAVE, TEXAS:

Section 1. Zoning Classification. The Property is hereby declared to be a Planned Development Mixed Use District (the "PD District").

Section 2. Uses. The base zoning district upon which the PD District is based is mixed use. The permitted uses shall be those uses shown on the PD Concept Plan (hereinafter defined) all of which are allowed in a Mixed Use District, including those allowed as Conditional Uses, which shall be "additional uses." These uses shall be distributed throughout the PD District as shown on and in accordance with the PD Concept Plan.

Section 3. Minimum Standards. Standards for residential uses and for non-residential use, including those for structure height and drainage, shall be as stated in the Development Agreement.

Section 4. Open Space Standards. The open space standards including public and private open space, preservation of natural features and open space allocation and preservation shall be as set forth in the Development Agreement.

Section 5. Dimensional and Area Standards. The dimensional and area standards for a commercial district shall not apply. Dimensional and area standards for uses shall be as set forth in the Development Agreement.

Section 6. PD Concept Plan. The PD Concept Plan is the concept plan that was approved in connection with the Development Agreement, and later amended, which is currently on file with the official records of the Village. The PD Concept Plan may be further amended pursuant to the terms of the Development Agreement.

Section 7. Site Plan. The site plan required by Section 12.127(C)(2) of the Village's Zoning Ordinance which were in effect on August 22, 2000, shall be submitted separately for each tract that is to be developed. These site plans shall be reviewed and approved pursuant to the Village's site plan ordinance that was in effect on August 22, 2000 and the Development Agreement. Site plans are not required for any tracts which are utilized for single family residential purposes.

Section 8. PD Development Standards. The PD District Development Standards shall be as set forth in the Development Agreement. But in the event of any conflicts between the development standards applicable to a mixed use district as described in the Village's Zoning Ordinance, including height regulations, area

regulations, yard size, maximum lot coverage, building size and parking regulations, and the development standards permitted by the Development Agreement, the terms of the Development Agreement shall control.

Section 9. Hours of Operation. All permitted uses within the PD District, with the exception of restaurants, healthcare facilities, lodging facilities such as motels and hotels, spas and fitness centers, golf course pro shops, model homes, emergency veterinary services and government and public uses, shall have hours of operation between 8:00 a.m. and 12:00 a.m. This provision supercedes and replaces all provisions and restrictions regarding hours of operation which would otherwise apply to the property within the PD District under the ordinances, rules and/or regulations of the Village.

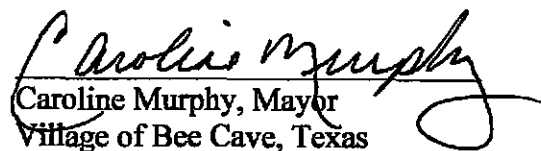
Section 10. This zoning is subject to the terms of the Development Agreement, including without limitation, those provisions which state that the Property will be governed by those ordinances, rules and regulation of the Village which were in effect on August 22, 2000, unless otherwise specifically provided in the Development Agreement.

Section 11. The Village Administrator is hereby authorized and directed to note the zoning change on the official Zoning Map of the Village of Bee Cave, Texas.


Section 12. Severability. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance or Map as a whole.

Section 13. That this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 13th day of May, 2003.


Caroline Murphy, Mayor
Village of Bee Cave, Texas

ATTEST:


Sherry Mashburn, City Secretary
Village of Bee Cave, Texas

(SEAL)