

**ORDINANCE NO. 490**

**AN ORDINANCE OF THE CITY OF BEE CAVE, TEXAS (“CITY”) AMENDING THE ZONING OF REAL PROPERTY, IN CONFORMANCE WITH THE CITY OF BEE CAVE COMPREHENSIVE PLAN, SECTION THREE-ONE, FUTURE LAND USE PLAN, FROM CURRENT ZONING AS RESIDENTIAL ESTATE (R-1) DISTRICT TO NEIGHBORHOOD MIXED-USE (MU-N) DISTRICT FOR A 0.995 ACRE TRACT LOCATED AT 14211 WEST STATE HIGHWAY 71, BEE CAVE, TEXAS; AND WHICH TRACT OF LAND IS DESCRIBED AND DEPICTED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR FINDINGS OF FACT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**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**, the City Council seeks to provide for the orderly development of land and use of property within its corporate limits; and

**WHEREAS**, the City is empowered by Section 211.005 (Districts) of the Texas Local Government Code to divide the municipality into districts of a number, shape, and size the City Council considers best for carrying out the zoning purposes under state law; and within each district, the City Council may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land; and

**WHEREAS**, the zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district; and shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality; and

**WHEREAS**, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City; and

**WHEREAS**, pursuant to the City of Bee Cave Unified Development Code, Article 3, “Zoning Regulations” section 3.1.8.A3(iii), staff may, at the direction of the City Manager, initiate amendments to the zoning provisions; and

**WHEREAS**, section 3.2.10 of the Unified Development Code provides that the purpose of a Neighborhood Mixed-Use (MU-N) District is intended to provide a transition between single-use residential districts and the city’s major thoroughfares; and

**WHEREAS**, Neighborhood Mixed-Use (MU-N) is also 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; and

**WHEREAS**, the City of Bee Cave Comprehensive Plan (“Comprehensive Plan”), Future Land Use Plan provides that it shall serve as a guide for future land use patterns and that all aspects of the Comprehensive Plan “are implemented primarily through development regulations (zoning and subdivision ordinances)”; this area is designated as Urban Corridor; and

**WHEREAS**, the Comprehensive Plan provides that retail uses, employment, mixed-use, entertainment uses, and government uses are complimentary land uses within the Urban Corridor; and

**WHEREAS**, re-designating the zoning classification of the subject property described herein will protect the integrity and continuity of the Comprehensive Plan and such proposed land uses are consistent with the Comprehensive Plan; and

**WHEREAS**, the City of Bee Cave Planning and Zoning Commission and the City of Bee Cave City Council (“City Council”), in compliance with the City of Bee Cave Unified Development Code section 3.1.8, Texas Local Government Code section 211.006(a), et seq., and all applicable laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held two public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council is of the opinion and finds that a zoning change as described herein should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

**WHEREAS**, any protest made against the proposed change of Zoning Classification has been duly considered by the City Council; and

**WHEREAS**, the City Council finds that re-designating the real property described herein is prudent and, in accordance with Texas Local Government Code section 211.004(a)(3), will promote the health and general welfare of the City of Bee Cave and its citizens;

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

**SECTION 1.** Findings of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** Amendment. That the City Zoning Ordinance and Map of the City of Bee Cave, Texas, be and the same are hereby, amended so as to grant a change of zoning from Residential Estate (R-1) District to Neighborhood Mixed-Use (MU-N) District for the 0.995-acre real property hereinafter described, and depicted in Exhibit “A,” attached hereto.

**SECTION 3. Severability.** That 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 as a 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 Article 3, Zoning Regulations, of the City of Bee Cave Unified Development Code and Map as a whole.

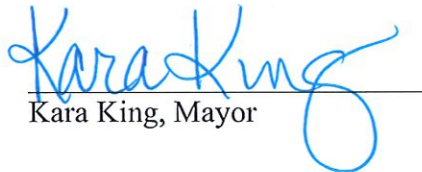
**SECTION 4: Repealer.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

**SECTION 5. Notice and Meeting Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was passed 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 Code.

**SECTION 6. Effective Date.** That this Ordinance shall take effect immediately from and after its passage.

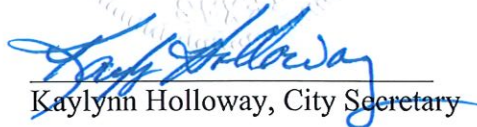
**PASSED AND APPROVED** by the City Council of the City of Bee Cave, Texas, on the 27<sup>th</sup> day of September, 2022.

**CITY OF BEE CAVE, TEXAS**

  
Kara King, Mayor



**ATTEST:**

  
Kaylynn Holloway, City Secretary

**APPROVED AS TO FORM:**

  
City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

Exhibit "A"

**Property Description**

