AGENDA

Regular Meeting

City Council 4000 Galleria Parkway

Tuesday, June 11, 2024

6:00 PM, City Hall

4000 Galleria Parkway

Bee Cave, Texas 78738-3104

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. Pledge of Allegiance
4. Recognition, Event Update and Moment of Silence
5. Citizen Comments

This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on the agenda items must be made when the agenda item comes before the Council. Any deliberation of the issue is limited to a proposal to place it on the agenda for a later meeting. Citizens will have up to 3 minutes to make comments.

6. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public view.

A. Consider approval of the minutes of the Regular Session conducted on May 28, 2024.

B. Consider approval of the minutes of the Special Session conducted on June 6, 2024.

7. Discussion and update from Bee Cave representatives on the Board of the West Travis County Public Utility Agency.

8. Discussion, and possible action on Ordinance No. 534 amending the City of Bee Cave Unified Development Code (UDC) regulations within Articles 1-6 and 9, including but not limited to those related to Provisions and Procedures, Subdivision (Platting), and Zoning.

9. Close Regular Meeting

10. Open Executive Session

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding real property; Section 551-074 – Personnel Matters-to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; and Section 551.071 - Consultation with Attorney regarding pending or contemplated litigation or a settlement offer, or on any matters in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. A quorum of the City Council will be present for the executive session.

11. Close Executive Session

12. Open Regular Meeting

13. Consider action, if any, on Executive Session

14. Adjournment

The Council 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 Council 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.

City Council Meeting
6/11/2024
Agenda Item Transmittal

ATTACHMENTS:

Description	Type
May 28, 2024 Meeting Minutes	Backup Material
May 28, 2024 Meeting Minutes	Backup Material

MINUTES

Regular Meeting
City Council
Tuesday, May 28, 2024
6:00 P.M. City Hall
4000 Galleria Parkway
Bee Cave, Texas 78738-3104

1. Call meeting to order – Mayor King established quorum and called meeting to order at 6:01 p.m.

2. Roll Call:

Present:
Kara King, Mayor
Andrew Clark, Mayor Pro Tem
Andrea Willott, Council Member
Kevin Hight, Council Member
Jon Cobb, Council Member

Absent:
Courtney Hohl, Council Member

City Staff:
Julie Oakley, City Manager
Lindsey Oskoui, Assistant City Manager
Ryan Henry, Attorney
Carly Pearson, Planning and Development Director
Jo Ann Touchstone, City Secretary
Rebecca Regueira, Deputy City Secretary
Brian Jones, Chief of Police
Kevin Sawtelle, City Engineer
Brooke Winburn, Human Resources Director
Amanda Padilla, Senior Planner
Jenny Hoff, Communications Director
Crystal Cotti, Public Information Officer
Dori Kelley, Business Development Manager
Lanie Marcotte, Parks & Facilities Director
Barbara Hathaway, Library Director
Gretchen Hardin, Assistant Library Director

Logan Maurer, Staff Engineer

3. Pledge of Allegiance

4. Recognition, Event Update, and Moment of Silence - City Manager Oakley introduced City Secretary Jo Ann Touchstone and Public Information Officer Crystal Cotti. Library Director Barbara Hathaway presented update on Library summer calendar.

5. Citizen Comments
   This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on the agenda items must be made when the agenda item comes before the Council. Any deliberation of the issue is limited to a proposal to place it on the agenda for a later meeting. Citizens will have up to 3 minutes to make comments.

   The following person spoke: Betty Hines.

6. Consent Agenda.
   All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests the item on the agenda. Information concerning consent agenda items is available for public view.

   A. Consider approval of the minutes of the Regular Session conducted on May 14, 2024.
   B. Consider approval of Resolution No. 2024-12, amending the Bee Cave Personnel Manual by adding and adopting a policy for paid quarantine leave.

      Council Member Hight moved to approve the consent agenda. Mayor Pro Tem Clark seconded and the motion passed unanimously.

7. Discussion, and possible action on Ordinance No. 534 amending the City of Bee Cave Unified Development Code (UDC) regulations within Articles 1-6 and 9, including but not limited to those related to Provisions and Procedures, Subdivision (Platting), and Zoning.

   Citizen participation: The following person spoke: Jeff Kent.

   Council Member Cobb moved to approve language for a simple majority vote. Council Member Willott seconded. VOTE: 3-2 with Mayor King and Mayor Pro Tem Clark opposed.

   Council Member Cobb moved to approve the building articulation as presented. Mayor Pro Tem Clark seconded and the motion passed unanimously.

   3.4.5J Assurance of Mixed-Use Language Proposed, with additional edits - Council Member Cobb moved to table this portion and authorize staff and city attorney to approve other two pieces. Mayor Pro Tem Clark seconded and the motion passed unanimously. Councilmember Hight moved to approve all recommendations of the Planning and

Zoning Commission along with changes approved in discussion, excluding 3.4.5J to be brought back for approval. Council Member Cobb seconded and the motion passed unanimously.

Discuss and consider action on a waiver to section 7.3.2D Impervious Cover of the Unified Development Code (UDC) for Starbucks located at 14211 W State Highway 71, Bee Cave, Texas – Mayor Pro Tem Clark moved to approve waiver as recommended by Planning and Zoning and find all waiver conditions as read into the record. Mayor King seconded and the motion passed unanimously.

8. Public hearing, discussion, and possible action on Ordinance No. 535 to allow a specific use permit for the use "Food and Beverage Services (with drive-through)" with a associate Site and NPS Plan located at 14211 W state Highway 71, Bee Cave, Texas –

   Public hearing opened at 8:01 p.m. The following person spoke: Paula Boyd. Re-opened regular session at 8:05 p.m.

   Council Member Cobb moved to approve Ordinance No. 535 to allow a specific use permit for the use "Food and Beverage Services (with drive-through)" with a associate Site and NPS Plan located at 14211 W state Highway 71, Bee Cave, Texas. Council Member Hight seconded and the motion passed unanimously.

9. Discuss and consider action on an amendment to the Chapter 380 agreement between Kent Sport Holdings, L.P./TCHMALL Sports LLC and the City of Bee Cave related to the proposed Willie Way extension – Council Member Hight moved to approve the amendment to the Chapter 380 agreement. Council Member Cobb seconded and the motion passed unanimously.

10. Discuss and consider action on Resolution No. 2024-13, adopting a contractual agreement between the Bee Cave Economic Development Corporation and Opportunity Strategies – Mayor Pro Tem Clark moved to approve the resolution. Council Member Cobb seconded and the motion passed unanimously.

11. Discuss and consider action on the appointment of members of the Planning and Zoning Commission including the appointment of a Chair and Vice Chair – No action was taken in Executive Session. Action was taken in open session. Mayor King moved to approve the appoints to Planning and Zoning Commission: Lori Wakefield, appointed by Mayor King, Kit Crumley as consensus of council, Valerie Loomer, alternate as consensus of council and Steve Schmidt, appointed by Council Member Cobb. Council Member Hight seconded and the motion passed 4-0. Mayor Pro Tem Clark moved to approve the reappointment of Kit Crumley as Chair and Lori Wakefield as Vice Chair. Council Member Willott seconded and the motion passed, 4-0.

12. Close Regular Meeting – Mayor King called for executive session for items 13a, 13b, and 13c under Texas Government Code section 551.074, 551.071 and 551.072. Convened to executive session at 8:42 p.m. Council Member Cobb exited the meeting and did not join executive session.

13. Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding real property; Section 551-074 – Personnel Matters-to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; and Section 551.071 - Consultation with Attorney regarding pending or contemplated litigation or a settlement offer, or on any matters in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. A quorum of the City Council will be present for the executive session.

    a. Personnel – Board and Commission member appointments for: Planning & Zoning Commission pursuant to Section 551.074
    b. Consultation with attorney regarding legal issues associated with city's intellectual property rights, associated legal claims, potential responses and resolutions pursuant to Section 551.071 (consultation with attorney).
    c. Deliberation regarding the potential purchase, exchange, lease, or value of real property for public purposes pursuant to Section 551.072

14. Close Executive Session.

15. Open Regular Meeting – Mayor King called regular meeting back to order at 9:23 p.m. Council Member Cobb did not rejoin the meeting and was not present in executive session.

16. Consider action, if any, on Executive Session – No action was taken in executive session. Action was taken in open session on item 12 (see motions listed in item 12.)

17. Adjournment – Mayor Pro Tem Clark moved to adjourn the meeting at 9:24 p.m. Council Member Hight seconded and the motion passed unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

_____
Kara King, Mayor

ATTEST:

_____
Jo Ann Touchstone, City Secretary

MINUTES

Regular Meeting
City Council
Tuesday, May 28, 2024
6:00 P.M. City Hall
4000 Galleria Parkway
Bee Cave, Texas 78738-3104

1. Call meeting to order – Mayor King established quorum and called meeting to order at 6:01 p.m.

2. Roll Call:

Present:
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Andrea Willott, Council Member
Kevin Hight, Council Member
Jon Cobb, Council Member

Absent:
Courtney Hohl, Council Member

City Staff:
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Lindsey Oskoui, Assistant City Manager
Ryan Henry, Attorney
Carly Pearson, Planning and Development Director
Jo Ann Touchstone, City Secretary
Rebecca Regueira, Deputy City Secretary
Brian Jones, Chief of Police
Kevin Sawtelle, City Engineer
Brooke Winburn, Human Resources Director
Amanda Padilla, Senior Planner
Jenny Hoff, Communications Director
Crystal Cotti, Public Information Officer
Dori Kelley, Business Development Manager
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    b. Consultation with attorney regarding legal issues associated with city's intellectual property rights, associated legal claims, potential responses and resolutions pursuant to Section 551.071 (consultation with attorney).
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14. Close Executive Session.

15. Open Regular Meeting – Mayor King called regular meeting back to order at 9:23 p.m. Council Member Cobb did not rejoin the meeting and was not present in executive session.

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17. Adjournment – Mayor Pro Tem Clark moved to adjourn the meeting at 9:24 p.m. Council Member Hight seconded and the motion passed unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

_____
Kara King, Mayor

ATTEST:

_____
Jo Ann Touchstone, City Secretary

City Council Meeting
6/11/2024
Agenda Item Transmittal

Agenda Item:	**6.B.**
Agenda Title:	**Consider approval of the minutes of the Special Session conducted on June 6, 2024.**
Council Action:	**Consider approval**
Department:	**City Secretary**
Staff Contact:	**Jo Ann Touchstone, City Secretary**

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

b) Issues and Analysis

3. FINANCIAL/BUDGET

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

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
June 6, 2024 Meeting Minutes	Backup Material

MINUTES

Special Meeting
City Council
Thursday, June 6, 2024
6:00 P.M. City Hall
4000 Galleria Parkway
Bee Cave, Texas 78738-3104

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.

A quorum of the Planning and Zoning Commission and/or Development Board may be in attendance at the meeting. No action will be taken by the Commission or Board.

1. Call meeting to order - Mayor King established quorum and called meeting to order at 6:01 p.m.

2. Roll Call

Present:
Kara King, Mayor
Andrew Clark, Mayor Pro Tem
Courtney Hohl, Council Member
Andrea Willott, Council Member
Kevin Hight, Council Member
Jon Cobb, Council Member

City Staff:
Julie Oakley, City Manager

3. Pledge of Allegiance

4. Close Regular Meeting – Mayor King called for executive session under section 551.074 at 6:01 p.m.

5. Open Executive Session. Executive session in accordance with the listed provisions of the Texas Government Code, a quorum of the City Council will be present for the executive session to the discuss the following:

a. Personnel under §551.074 discuss the duties and responsibilities, and possible action to take regarding the position of mayor.
b. Personnel under §551.074 discuss the duties and responsibilities, and possible action to take regarding the position of mayor pro tem.
c. Personnel under §551.074 the duties and responsibilities, and possible action to take regarding the positions of all council members.

6. Close Executive Session.

7. Open Regular Meeting – Mayor King opened the regular meeting.

8. Consider action, if any, on Executive Session – No action was taken.

9. Adjournment – Council Member Hight moved to adjourn the meeting at 8:04 p.m. Council Member Hohl seconded and the motion passed unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 2024.

_____
Kara King, Mayor

ATTEST:

_____
Jo Ann Touchstone, City Secretary

City Council Meeting
6/11/2024
Agenda Item Transmittal

Agenda Item:	**7.**
Agenda Title:	**Discussion and update from Bee Cave representatives on the Board of the West Travis County Public Utility Agency.**
Council Action:	
Department:	**Administration**
Staff Contact:	**Julie Oakley, City Manager**

1. INTRODUCTION/PURPOSE

To discuss and update the Council regarding the West Travis County Public Utility Agency (WTCPUA).

2. DESCRIPTION/JUSTIFICATION

a) Background

The City of Bee Cave board representatives will update the council on the activities of the WTCPUA.

b) Issues and Analysis

3. FINANCIAL/BUDGET

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

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

City Council Meeting
6/11/2024
Agenda Item Transmittal

Agenda Item:	**8.**
Agenda Title:	**Discussion, and possible action on Ordinance No. 534 amending the City of Bee Cave Unified Development Code (UDC) regulations within Articles 1-6 and 9, including but not limited to those related to Provisions and Procedures, Subdivision (Platting), and Zoning.**
Council Action:	**Discussion and possible action**
Department:	**Planning and Development**
Staff Contact:	**Amanda Padilla, Senior Planner**

1. INTRODUCTION/PURPOSE

2. DESCRIPTION/JUSTIFICATION

a) Background

In June 2022, Bee Cave implemented a Unified Development Code (UDC), consolidating the city's planning and development regulations into a single ordinance.

In November 2023, the City Council approved revisions to the UDC pertaining to Signs, Landscaping and Screening Standards, Tree Preservation, Drainage and Water Quality, and Lighting, while staff continued to work with the City Attorney on revisions to Chapter 2, Subdivision, and Chapter 3, Zoning.

b) Issues and Analysis

Proposed revisions to Chapters 2 and 3 were initially presented to Planning & Zoning Commission via draft Ordinance 534 on May 7th, 2024. Planning & Zoning Commission unanimously recommended approval of Ordinance 534 with the following conditions and recommendations:

1. *Correction to the following scriveners' errors within Ord. No 534*

   a. *Section 2.2.1B.2. (Pg. 5), reinsert term "paid"*
   b. *Section 2.4.5E.4 (Pg. 16), change "one" to "once"*
   c. *Figure 3.1.8-1 (Pg. 23), change "Applicant may submit Plat Application (if unplatted) or Site Plan Application (if" to " Applicant may submit Plat Application (if unplatted) or Site Plan*

Application (if platted)"
d. Section 5.1.1A.6.(ii) (Pg.37), change "76'" to "75'"

2. Remove Subsection (iii) from Section 3.1.8.A.6 as it is redundant with the content of Subsection (i).

3. Remove the requirement that a building 500sqft or less may provide no design features within section 3.4.5 F-H and rewrite it to say a building 2500sqft or less may have design feature requirements within section 3.4.5 F-H waived or reduced by the Planning and Development Director, as well as recommending staff discuss changes to irrigation requirements with City Council.

4. If the Planning & Zoning Commission recommends denial of a zoning application or SUP the City Council may only approve the application by a 3/4th majority vote.

Council initially considered Ordinance 534 at their May 14th, 2024 meeting. At that time, Council requested staff provide further information on the following code sections and requirements at their May 28th, 2024 meeting:

1. Section 3.4.5.C.4(i) –Depth Articulation
2. Section 3.4.5.J – Assurance of Mixed-Use
3. Voting threshold required by the City Council when the Planning & Zoning Commission denies a rezoning request

At their May 28th, 2024 meeting, City Council motioned to bring Ordinance 534 back for consideration at their next meeting to reflect the following:

- In the event of a recommendation for denial by Planning & Zoning Commission of a rezoning application or Specific Use Permit application, allow for approval of the application by a simple majority vote of Council.
- Approve language pertaining to building articulation.
- Remove all edits to 3.4.5J, which pertains to assurance of mixed-use, to provide additional clarification considering downstream impacts. As such, this section was motioned to be excluded from Ordinance 534.
- Approve all other recommendations of the Planning and Zoning Commission.

3. FINANCIAL/BUDGET

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

4. TIMELINE CONSIDERATIONS

5. RECOMMENDATION

ATTACHMENTS:

Description	Type
Ordinance No. 534	Ordinance

ORDINANCE NO. 534

AN ORDINANCE AMENDING ARTICLES 1 – 6 AND ARTICLE 9 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 1, Article 2, Article 3, Article 4, Article 5, Article 6, and Article 9 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:

* * *

~~**§ 1.4.1. Letters of certification.**~~

~~A. Certifying entities.~~

~~1. Prior to filing an application for Plat approval, the Subdivider must receive a Letter of Certification from the following entities:~~

~~(i) City of Bee Cave City Engineer;~~

~~(ii) City of Bee Cave Planning Director;~~

~~(iii) Travis County, for plats in the ETJ; and~~

~~(iv) Any Water, Wastewater, Electric, and/or Gas utility provider, as applicable.~~

~~2. A valid request for a Letter of Certification from the City consists of the submission~~

materials required by the Code for that Application, with an Application form approved by the City. A request for a Letter of Certification from an entity other than the City must include documents required by the entity and be submitted in a form required by the entity.

B. The applicant must provide copies of letters from all applicable utility and Public Facility providers stating that each utility company has reviewed the application and stating any requirements, including easements, they may have. Applicant shall demonstrate that they have adequate utility service available by providing a letter or contract from the applicable utility stating that the property subject to the application is entitled to and may receive utility service sufficient to meet the needs of the Development as proposed in the Preliminary Plat application. The City will not accept an Application for a Plat or Subdivision-Related Plan without a Letter of Certification from each applicable utility stating that the property subject to the application is entitled to and may receive utility service sufficient to meet the needs of the Development.

C. After receiving a Letter of Certification request, the City will review the application for completeness.

D. The City will either issue or deny a Letter of Certification within sixty (60) days. When the City determines that the proposed application or any of the required accompanying data does not conform to the requirements of this UDC or other applicable regulations, ordinances, or laws, the applicant may choose to revise the Application. If any data is revised and resubmitted, the City will issue or deny a Letter of Certification no later than forty-five (45) calendar days from the latest date of resubmission. If the City does not issue or deny a Letter of Certification within the time periods prescribed in subsection 1.4.1.D, the Letter of Certification will be deemed issued by the City. The City has no control over and will not act on behalf of the Subdivider to compel another entity to issue a Letter of Certification if the entity refuses to issue the Letter.

E. The Letter of Certification request is a process for compiling a technically complete Application for Plat review. In considering approval of a Letter of Certification, the City will consider whether the request complies with applicable regulations, ordinances and laws including, but not limited to, the Technical Manuals, the UDC, and the Code of Ordinances.

F. A Letter of Certification does not authorize any Subdivision or Development activity, and a Letter from the certifying entity is only a recommendation as to whether the proposed Subdivision or Development activities would comply with the applicable development requirements.

G. A Letter of Certification will remain valid for one (1) year from the date of issuance by the certifying entity. After one year, the Subdivider must obtain a new or updated Letter of Certification to file an Application with the City. Each new proposed Application to be filed will be required to obtain a new Letter of Certification prior to Application submittal.

H. A Letter of Certification may be amended prior to filing an Application if the proposed amendment:

1. Does not increase the number of lots subject to the Application; and

2. Does not increase by more than five percent (5%) the lineal footage of roadways or the

~~areas within the paved surface of the street right-of-way or alter the location such roadways connect to the existing roadway network; and~~

~~3. Does not increase by more than five percent (5%) the anticipated impervious cover, alter the location of stormwater detention or discharge or alter any resulting calculated stormwater value; and~~

~~4. Does not increase by more than five percent (5%) the anticipated water and wastewater demand, or increase lineal footage of water or wastewater lines by more than five percent (5%).~~

~~I. Letters of Certification pursuant to this Section 1.4.1 are required for filing an application under Section 1.4.2.A.1(i).~~
~~(Ordinance 475 adopted 6/28/22)~~

* * *

1.4.2 GENERAL APPLICATION PROCESSING

B. General application content.

1. 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, technical consultants, ~~and Letters of Certification, as set out in Section 1.4.1,~~ and any other information necessary to review the application for compliance with City codes.

E. Application considered complete.

1. Pursuant to TLGC Section 245.002(a), the date the application was initially filed ~~for Review of Administrative Completeness by the City~~ becomes the Official Vesting Date for the purposes of permitting related to an application for Plat, Subdivision and related Plans, including Construction Plans.

3. For an application made under the 30-day action process, the Official Submittal Date 30-day process begins on the date ~~the Planning Director issues a Certificate of Completeness to the applicant. The City will not consider an application until the Planning Director determines that the application is complete and issues a Certificate of Completeness subject to the limitations of subsection 1.4.2.E.5~~ the complete application is submitted to the Planning Director.

~~4. An application will expire on the 45th calendar day after the date the City first receives the application if:~~

~~(i) The Planning Director provides to the applicant, no later than the 10th business day after the date the City first receives the application, written notice of the incomplete application specifying the necessary documents or other information, and the date the application will expire if the documents or other information are not provided; and~~

~~(ii) The applicant fails to provide the specified documents or other information within the time provided in the notice.~~

~~5. An application that does not include all required information and materials within the time frames specified above will be considered incomplete, will not be accepted for official submission by the City, and will not be scheduled on a Planning and Zoning Commission or City Council agenda until the proper information is provided to City staff.~~

~~G. Failure to provide a certificate of completeness. Failure by the Planning Director to issue a Certificate of Completeness or provide the applicant written notice of the incompletion (subsection E.4(i) above) no later than the tenth (10th) business day after the date the City first receives the application, means the application is complete, and the Official Submission Date is the 10th business day after the date the City received the application.~~

I. Modification to an application

4. Modification not requested by the City

(ii) The time extension for deciding the application commences on the date the modified application is submitted ~~and determined complete~~.

* * *

2.1.2 APPLICABILITY

B. Policies regarding the subdivision and development of land.

3. The standards and regulations of this Article 2 supplement, and facilitate the enforcement of, provisions and standards contained in the UDC and Building Codes adopted by the City. Violation of, or non-conformance with, one or more sections of this UDC or ~~adopted the Building Codes [~~the adopted Building Codes~~]~~ may result in denial of an application for Subdivision.

***

2.1.5 PLATTING PROCESS

~~B. Letters of certification. Prior to filing an application for Plat approval, the Subdivider must receive a Letter of Certification from all applicable Certifying Entities. These letters are required as part of a complete plat application. (see Section 1.4.1, Letters of Certification).~~

***

2.1.6 PLATTING IN EXTRATERRITORIAL JURISDICTION (ETJ).

C. Water and wastewater utility extensions in the ETJ.

2. Procedure

(ii) Upon granting of the petition, and concurrent with the filing of any application for Development, the Subdivider must furnish to the City a Letter of Certification from the PUA or WCID-17 ~~pursuant to subsection 2.1.5.B, Letters of Certification and subsection 2.5.2, Minimum Standards~~.

***

2.2.1 APPLICABILITY~~, COMPLETENESS,~~ AND EXPIRATION

A. Applicability. The following procedures apply to any Plat ~~or [~~of~~]~~ a Subdivision and related Plans, including Construction Plans or application that is required by the City in this Section and is submitted in accordance with this UDC (see Table 2.2-1: Statutory Time Limits and Vesting for Plat Applications).

B. Plat Acceptance Standards. ~~Certificate of completeness for subdivision-related applications. Every required application requires a Certificate of Completeness by the Planning Director (see Table 1.2-1: Summary of Approval Authorities, Public Notice).~~

2. Payment of applicable fees and provision of tax certificates. The Subdivider shall pay all required fees and provide the City original tax certificates from each taxing unit with jurisdiction of the real property showing the current taxes are paid ~~prior to issuance of a Certificate of Completeness~~.

~~3. Acceptance procedures. A review of an Application for issuance of a Certificate of Completeness shall be conducted in accordance with the following procedures:~~

~~(i) A Certificate of Completeness shall be issued by the Planning Director not later than the tenth (10th) business day, unless otherwise specified, after the Official Submittal Date.~~

~~(ii) If the submitted application is incomplete, then the Subdivider shall be notified in writing not later than the tenth (10th) business day after the Official Submittal Date.~~

~~(1) Such notice shall be served by mail via the U.S. Postal Service, or by electronic mail transmission, not later than the tenth (10th) business day following submission of the application.~~

~~(2) The notification shall specify the documents or additional information needed to complete the application, and shall state the date the application will expire if the requested documents or information are not submitted (see Subsection E. below).~~

~~(iii) An application shall be deemed complete on the eleventh (11th) business day after the application has been received if notice is not served in accordance with b. above.~~

~~(iv) If the application is determined to be complete, the application shall be processed as prescribed by this UDC.~~

~~4. Acceptance shall not constitute compliance. A Certificate of Completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.~~

~~5.~~3. Acceptance shall not guarantee approval. There is no implied intent or guarantee that an accepted and completed application will be approved, if after the application is deemed complete, it is determined that the application does not comply with this UDC.

~~6.~~4. Effect on prescribed statutory processing deadlines. For the purposes of the processing timelines described in TLGC Chapter 212.009, such as processing timelines for 30-day approval, conditional approval or disapproval of subdivision- related plats and plans shall begin on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements to the Planning Director ~~Certificate of~~

~~Completeness is issued. The date the application is deemed complete shall be considered the "filed" date for the purpose of TLGC Chapter 212.009~~.

~~C. Re-submittal after notification of incompleteness.~~

~~1. If the application is re-submitted after a Notification of Incompleteness, the application shall be processed upon receipt of the re-submittal. The re-submittal shall be submitted in accordance with the official Submittal Calendar.~~

~~2. The statutory 30-day time frame for Plat approvals shall begin on the date the re-submitted application is deemed complete and all prerequisite applications and processes have been approved, based upon any submission date calendar adopted to establish the Official Submittal Date. If any Subdivision Relief Procedure (see subsection 2.6) is requested, the 30-day time frame for Plat approvals shall not begin until such Subdivision Relief Procedure is approved, disapproved, or withdrawn.~~

~~3. To the extent that the information or documents submitted is not sufficient to enable the Planning Director or Planning and Zoning Commission to apply the criteria for approval, the application may be denied on such grounds.~~

~~G.~~E. Filing date for plat applications. The statutory 30-day time frame for Plat approvals, established by TLGC Section 212.009, shall commence on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements to the Planning Director ~~application is deemed complete. The date the application is deemed complete shall be considered the "filed" date for the purpose of TLGC Section 212.009~~. Plat applications shall be considered by the Planning Commission only in accordance with the subdivision plat submittal calendar established by the Director in accordance with TLGC Section 212.0015.

~~H.~~F. Right to 30-day action for subdivision-related plans, reports, analyses and studies applications begins on the official submittal date. The statutory 30-day time frame for Subdivision-Related Plans, Reports, Analyses and Study approvals and 15-day time frame for approvals following re-submission, established by TLGC Section 212.009, shall commence on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements to the Planning Director ~~the application and the application is deemed complete and all prerequisite applications and process have been approved following the Official Submittal Date. The date the application is deemed complete shall be considered the "filed" date for the purpose of TLGC Section 212.009~~.

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Figure 2.3.1-1 Preliminary Plat Process

[Figure 2.3.1-1 to be deleted and replaced with the following]

Figure 2.3.1-1: Preliminary Plat Process

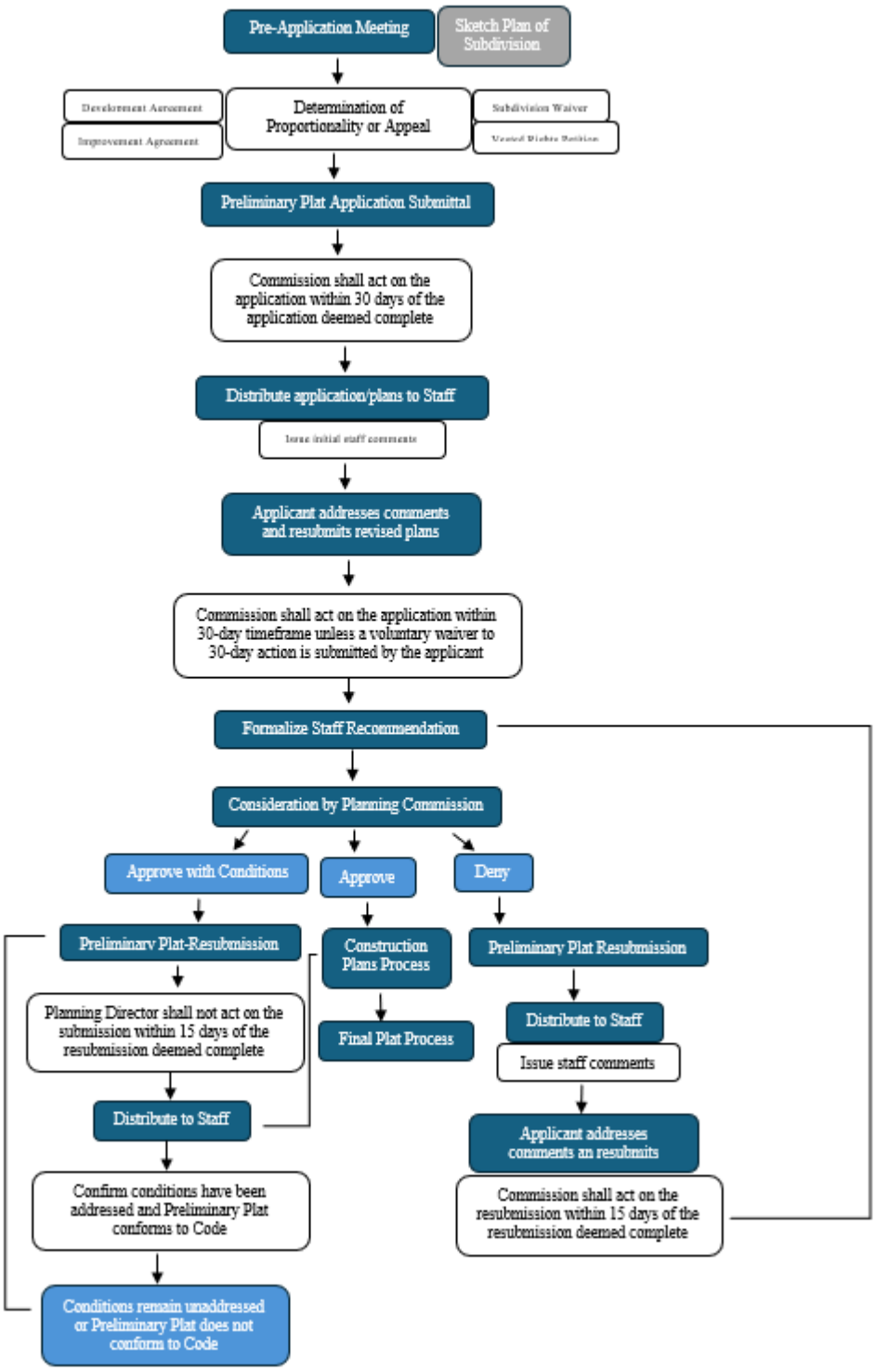
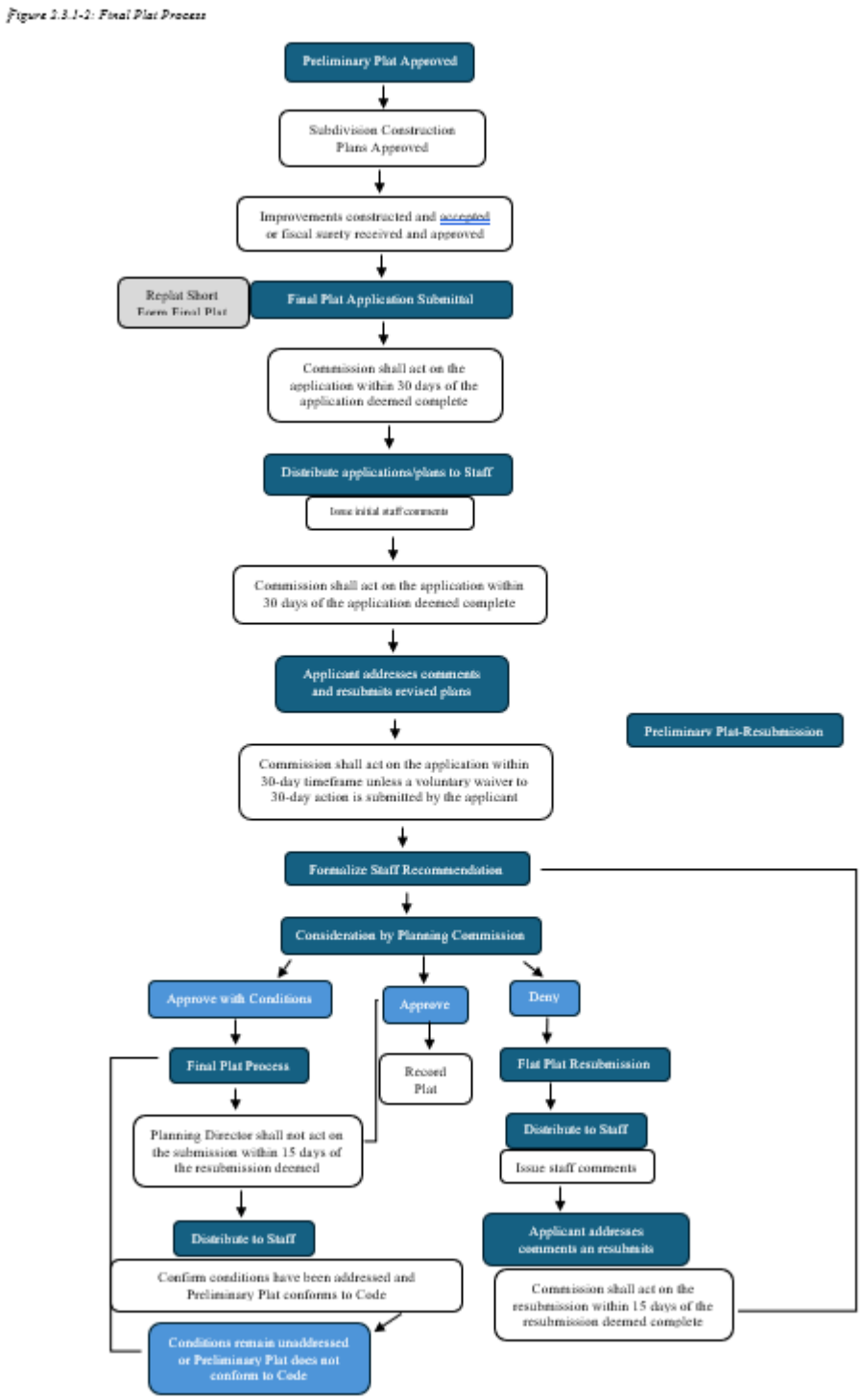


Figure 2.3.1-2 Final Plat Process
[Figure 2.3.1-2 to be deleted and replaced with the following]



2.3.4 PRELIMINARY PLAT

C. Preliminary plat submittal

1. Preliminary and other types of plans required before submittal

(i) ~~An application for a~~ Preliminary Plat Application ~~shall not be considered filed under State Law until the following have been received and approved~~ must include the following:

~~(1) Letters of Certification (see Section 1.4.1);~~

~~(2)~~(1) Preliminary Drainage Plan (see Section 7.2.1.H);

~~(3)~~ (2) Preliminary Utility Plan (see Section 2.5.14.C);

~~(4) Other plans if deemed necessary for thorough review by the Planning Director or the City Engineer, such as a Planned Development District documents;~~

~~(5)~~(3) Approved Petition for Subdivision Waiver, as applicable;

~~(6) Approved Zoning Change request, if the Preliminary Plat relies on successful request for Zoning Change.~~

D. Review by Planning Director. ~~Following issuance of a Certificate of Completeness (see subsection 1.4.2.E, Application Considered Complete), the~~ The Planning Director shall:

***

2.3.5 FINAL PLAT

E. Accompanying applications

1. A Final Plat application ~~is not complete or considered filed until the City approves~~ must include complete and approved Subdivision Construction Plans and Public Facilities must have either been constructed and accepted, or the Subdivider and City execute an Improvement Agreement and the Subdivider provides Fiscal Security in accordance with Section 2.4.4, Improvement Agreements and Fiscal Security.

6. A Final Plat application ~~is not complete or considered~~ may not be filed until the City Council has approved any requested or required abandonment of public right-of-way or Easement and the Final Plat shows the abandonment ordinance number.

G. Review by Planning Director. The Planning Director shall:

2. Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission according to the time specified in Section 2.2.1, Applicability~~, Completeness,~~ and Expiration.

I. Final plat criteria for approval.

2. Simultaneous submittal with a preliminary plat.

(ii) The Subdivision Construction Plans conform to the requirements of Section ~~2.3.12 [~~2.4~~]~~ and have been approved by the City Engineer;

L. Procedures for final plat recordation upon approval.

2. Submittal of final plat where improvements installed. When all required Public Facilities have been installed prior to recording the Final Plat, the applicant shall meet all requirements in accordance with Section ~~2.3.12 [~~2.4~~]~~, Subdivision Construction Plans and Procedures.

M. Effect of Approval

2. If applicable, authorizes the Subdivider to install improvements in the public right-of-way in conformance with approved Subdivision Construction Plans or as provided under an Improvement Agreement (see Section ~~2.3.12 [~~2.4~~]~~, Subdivision Construction Plans and Procedures).

***

2.3.6 SHORT FORM FINAL PLAT

~~C. Letter of certification required. Each Short Form Final Plat application must include required Letters of Certification (see section 1.4.1. Letter of Certification.~~

~~D.~~C. Additional requirements. The application must also meet each of the following requirements to be considered a Short Form Final Plat:

1. The proposed Plat is for the subdivision of unplatted property into five (5) or more lots.

2. The Plat dedicates public right-of-way or easement as required in the UDC.

~~3. The applicant must provide any applicable Letter of Certification.~~

***

2.3.7. MINOR PLAT

~~C. Letter of certification required. Each Minor Plat application must include required Letters of Certification (see Section 1.4.1, Letters of Certification.~~

~~D.~~C. Additional requirements. The application must also meet the following requirements to be considered a Minor Plat:

1. The proposed Plat is for the Subdivision of one lot into four (4) or fewer lots;

2. Multiple Minor Plats may not be used to subdivide and plat more than four (4) lots. No more than one (1) Minor Plat will be approved from the same parent tract or multiple adjacent tracts under a single ownership, or by any person or entity or group or persons or entities who may

acquire the property for development during any twenty-four (24) month period; and

3. The Plat dedicates public right-of-way or easement as required by the UDC; ~~and~~

~~4. The Applicant must include any applicable Letter of Certification.~~

2.3.8 Replat

F. Additional requirements for "certain" replats.

1. Applicability of "certain" replats. Pursuant to TLGC Section 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this subsection ~~2.3.7 [~~2.3.8~~]~~ if:

(i) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to R-1, R-2, or R-3 for residential use with no more than two (2) residential units per lot (see Section ~~3.1.7 [~~3.2~~]~~); or

(ii) Any lot in the preceding Plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

***

2.3.10. DEVELOPMENT PLAT

D. Development plat required prior to construction

~~2. Prior to acceptance of an application for a Development Plat, the Subdivider must provide all necessary Letters of Certification.~~

H. Process for approval

2. ~~Once the Planning Director has issued a Certificate of Completeness, the~~ The Planning Director will forward the Development Plat to the Planning and Zoning Commission with a recommendation.

***

2.3.12 DEVELOPMENT AGREEMENTS.

B. Review process.

3. Property owner consent required. Nothing within this Subsection ~~2.3.13 [~~2.3.12~~]~~, or the UDC, shall give the Council or any other agent of the City of Bee Cave the authority to initiate a Development Agreement or to initiate an amendment to an existing Development Agreement without the written consent of the owner of the property that is the subject of the agreement or contrary to the laws of the State of Texas.

4. ~~Completeness determination. Applications shall be subject to subsection 2.2.1, Applicability , Completeness, and Expiration.~~ The City will not process other applications associated with the

same property until City Council approves the Development Agreement.

***

2.4.1. SUBDIVISION CONSTRUCTION PLANS.

B. Submitting plans.
2. Subdivision Construction Plans are not considered filed ~~for the purposes of Texas Local Government Code Chapter 212.009~~ until approval is received from all applicable Water, Wastewater, Electric and Gas utility provider~~[s]~~ other than the City, and TXDOT, if applicable.

***

2.4.3 Timing of public facilities.

F. Off-site easements.

1. The Subdivider is responsible for recording any off-site easements that may be required for installation of off-site Public Facilities related to the development, per the approved Subdivision Construction Plans.

(i) The Subdivider must record the easements before the Pre-Construction Meeting (see subsection ~~2.4.1 [~~2.4.2~~]~~); or

(ii) Before recordation of the Final Plat; or

(iii) After recordation of the Final Plat if the note reference in subsection ~~E.2(1)[~~E.2(i)~~]~~ above is included on the face of the Final Plat.

***

2.4.4.

Table 2.4.1: *Summary of Fiscal Security Types*

Scenario	Acceptable Formats			Amount	Term	Applicability
	Cash	LOC	P. Bond			
Improvement Agreement Required if Final Plat filed before construction	Y	Y	Y	Minimum ~~110~~ 125% of Engineer's Opinion of Probable Cost (OPC) City Engineer may require more than ~~110~~ 125% for a phased project or project longer than 2	Irrevocable. Minimum of 2 years from date of Final Plat filing. Automatically renews until Final Acceptance by City Engineer.	• Public & Private Roads. • Turn lanes and other safety measures that are not considered transportation mitigation. • Public and Private Water Quality Ponds

				years to account for inflation	Unused portion returned upon Final Acceptance and receipt of Maintenance Bond covering 25% of final construction cost covering maintenance for 2 years from date of Final Acceptance	when impervious coverage is proposed as part of Construction Plan. • Stormwater Infrastructure • Sidewalks (all sidewalks in non-residential or mixed-use and common lot sidewalks in residential) • Water and Wastewater Exemptions • Development in ETJ if Subdivider demonstrates acceptable Fiscal Security posted with Travis County • Water and Wastewater if Subdivider demonstrates acceptable Fiscal Security posted with PUA or WCID-17
Maintenance Bond	Y	Y	Y	25% of updated final construction cost based on contractor's contract and change fee tabulations prior to Final Acceptance.	2 years from Final Acceptance. City may return unused portion.	• Public and Private Roads. • Water Quality Ponds when impervious coverage is proposed as part of Construction Plans • Stormwater Infrastructure • Sidewalks (all sidewalks in non-residential or mixed in residential) Exemptions • Development in ETJ is Subdivider demonstrates acceptable Fiscal Security posted with Travis County.

						• Water and Wastewater construction is Subdivider demonstrates acceptable Fiscal Security posted with PUA or WCID-17
Erosion and Sedimentation Controls						
Temporary Erosion & Sedimentation Control (ESC) Bond Guarantees construction of required temporary ESC. Required any time you move dirt Cross reference in Site Plan	Y	Y	N	100% of cost of controls per Subdivider's engineer	Unused portion returned at Final Acceptance	• Silt Fencing • Tree Protection
Permanent Nonpoint Source (NPS) Erosion and Sediment Control (ESC) Security Ensure City has sufficient funds to establish permanent revegetation	Y	Y	~~N~~Y	100% of the cost to revegetate per Subdivider's Engineer After acceptance of Water Quality controls, Fiscal Security converts to Maintenance Bonds at 10% of cost to revegetate for 2 years	May be reduced as controls are completed	• Subdivision Water Quality ponds covered under Improvement Agreement • Water Quality controls may be bonded, but not ESC controls
Site and NPS Deferral of Landscaping Establishment Used to obtain a Temporary Certificate of Occupancy between April 1st and September 30th when landscaping requirements cannot be met. Not to be used for deferral of Site and NPS (SNPS) Plan-related revegetation (i.e., sod, hydromulch, etc.)	Y	Y	N	125% of the cost to Landscape per licensed Landscape Architect's estimate	60 days from October 1st in the year that the TCO was issued	• Allowed between April 1st and September 30th for projects in which all other permit requirements have been satisfied but landscaping and permanent erosion and sedimentation controls.

B. Improvement agreement and security for completion.

1. An Improvement Agreement made between a Subdivider and the City is a request to delay or provide for allocation of the cost of certain Public Facilities or Private Facilities required by the UDC, any adopted Technical Manuals, or other provisions of the Code of Ordinances.

2. When any of the required Public Facilities or any Private Facilities are postponed and constructed after Final Plat approval and recordation, the City will not approve or accept the Final Plat for filing, unless and until the Subdivider enters into an improvement agreement of standardized format approved by the City by which the Subdivider:

(i) Becomes obligated to complete the Public Facilities and Private Facilities;

(ii) Provides Fiscal Security to guarantee completion of the Public Facilities and Private Facilities (see Subsection 2.4.4.F below)

F. Security for completion of improvements

1. Estimated cost and security approval.

(i) The City requires Fiscal Security in the amount of one hundred and ~~ten~~ twenty five percent (~~110~~125%) of the cost to construct and complete all required Public Facilities to the City's standards as estimated by the Subdivider's engineer, and as approved by the City Engineer.

2. Type of security.

(iii) A bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City (see table 2.4-1: Summary of Fiscal Security Types for scenarios in which bond is required or acceptable) or including, at a minimum the following terms,

- Notice: Any requirement within the performance bond that the City must provide notice of deficient performance must state that the notice is deemed sufficient if the City provides such notice to the principal (usually a contractor providing a service to the City) in accordance with the terms of the contract between the City and the principal for the services that are subject to the performance bond.

- Resolution attempts: Any requirement within the performance bond that the City and the principal engage in a procedure to resolve disputes must state that any such attempt is deemed sufficient if it complies with the dispute resolution procedures set forth in the contract for the services that are subject to the performance bond.

- Meetings with Surety: Any requirement within the performance bond that the City must meet with the principal (usually a contractor providing services to the City) or the surety regarding deficiencies in performance prior to calling on the bond must state that the requirement is satisfied if the City and the contractor attempted to resolve the alleged deficient performance through the notice and dispute resolution requirements set forth in the contract between the City and the principal for the services that are subject to the performance bond.

- Selection of contractor: Any provision that the surety has sole authority to select a replacement contractor is void and unenforceable. Any provision in the performance bond that allows the surety to recommend a replacement contractor shall state that the surety will recommend no less than three potential replacement contractors acceptable to the surety, and that final selection of the replacement contractor from the list of recommendations shall be a the sole discretion of the City.

- Replacement contractors: Any provision in the performance bond that establishes a contractual relationship between the City and a replacement contractor must state that the replacement contractor steps into the shoes of the principal (usually a contractor who failed to provide services to the City) and that the City maintains the right of approval of the performance of the replacement contractor in accordance with the terms of the contract between the City and the principal for the services that are the subject of the performance bond.

***

2.4.5 Inspection, acceptance, and maintenance of public facilities.

E. Acceptance or rejection of improvements by the City Engineer.

4. Letter of final acceptance. Once all Public Facilities are completed, inspected, tested (if applicable), and the City Engineer determines they conform to the standards of the UDC and the City's Technical Manuals, and ~~the Subdivider has paid~~ all ~~inspection~~ applicable fees have been paid, ~~then~~ the City Engineer will issue a Letter of Final Acceptance to the Subdivider, providing notice of the City's acceptance or future acceptance of the Public Facilities subject to approval and recording of a Final Plat.

***

2.5.2. Rough proportionality and fair share policy statement.

E. For appeals to the requirements of this Section 2.5, see Section ~~2.6.1 [~~2.6.2~~]~~ Subdivision Proportionality Appeal for procedures.

***

2.5.5 Lots

B. Lot frontage requirement. Every lot shall have frontage on, and access to, a public street or private street (including alleys) meeting right-of-way standards. Lot frontage shall be as specified in ~~(see~~ Section 3.4.1, Dimensional Standards, of 50' if Section 3.4.1 is not applicable ~~for frontage requirements)~~.

G. Land subject to a 100-year flood.

1. Any land that, in its natural state, is subject to a 100-year flood (i.e. base flood) or which cannot be properly drained shall not be subdivided, re-subdivided or developed until the Subdivider

demonstrates that the construction of specific site drainage improvements will yield a usable building site per the minimum lot size standards of the zoning district, i.e., Flood Study and FEMA CLOMR (Conditional Letter of Map Revision) and in conformance with ~~Section 6.5 [~~Article 7~~]~~ Stormwater Management.

***

2.5.6 Blocks

B. Block Length

5. In cases where physical barriers, adjacent development, or property ownership, including dedication, ownership, and management by a Property Owners' or Homeowners' Association (see subsection 2.5.7, Property Owners' Associations) creates conditions justifying one or more variances to the standards of this subsection ~~2.5.5 [~~2.5.6~~]~~, the Planning Director may administratively approve a waiver to meet existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.

***

2.5.9 Streets.

F. Street names and signs.

1. Streets will be named to provide continuity with existing streets. Names of new streets must comply with ~~Section [~~Article~~]~~ 16.05 of the Code of Ordinances.

G. Alleys.

6. Dead-end alleys. The Subdivider must construct alleys with adequate turnaround facilities meeting the standards in subsection ~~2.5.9.D.4 [~~2.5.9.D.5~~]~~.

H. Street right-of-way dedication.

2. New Streets.

(ii) Perimeter Streets.

(4) If the Subdivider disagrees with the City Engineer's determination of rough proportionality, then the Subdivider may file a Subdivision Proportionality Appeal (see subsection ~~2.6.1 [~~2.6.2~~]~~, Subdivision Proportionality Appeal).

***

2.5.10. Access management

C. Common access.

1. A Common Access Easement is required between abutting lots used, zones, or planned for nonresidential uses, mixed-uses, or multi-family uses in any combination and fronting on any street

section, unless the City Engineer authorizes an exemption due to site constraints. Abutting lots used, zoned, or planned for single-family residential uses may take access from a common driveway, provided each lot individually meets the minimum lot frontage requirements of Section 3.4.1 or 50' if Section 3.4.1 is not applicable.

***

2.5.11 Determination of need for traffic impact analysis (TIA).

B. The following are the steps to be undertaken by the applicant to determine the need for a TIA and roughly proportionate determination study.

1. When an application is submitted for development or, at the discretion of the Building Official, for a building permit, the applicant shall complete a Peak Hour Trip Generation Form reporting the number of peak hour trips (PHT) generated by the proposed development as determined from the most recent version of the ITE Trip Generation Manual. PHT analyzed may be the A.M., Midday, P.M., Saturday, and/or Sunday peak hours, based on the peak hour trip generation for that given day and land use. Linear trip generation rates shall be used, except where the ITE Trip Generation Manual clearly indicates the use of regression equations better captures the trip generation estimates.

2. The City will review and, if adequate, approve the Trip Generation Report. Based on the findings of the Trip Generation Report:

(i) If the proposed development will generate 49 PHT or fewer:

(1) The applicant shall submit a turn lane analysis as described in Section 2.5.12.F.

(2) The applicant may be required to submit a circulation study, in accordance with the TCM, at the discretion of the City Engineer.

(3) A TIA is not required.

(4) When a proposed thoroughfare is depicted on the property subject to the application, the applicant is required to either make the right-of- way dedication or prepare a Proportional Mitigation Determination Report, as described in Section 2.5.12.E, to determine their proportionate share of right-of-way dedication. If there is no proposed roadway depicted on the Thoroughfare Plan, this Report is not required.

(ii) If the proposed development will generate more than 49 PHT:

(1) The applicant shall submit a turn lane analysis as described in Section 2.5.12.F.

(2) The applicant may be required to submit a circulation study, in accordance with the TCM, at the discretion of the City Engineer.

(3) The applicant shall submit a Proportional Mitigation Determination Report as described in Section 2.5.12.E.

(4) The applicant shall submit a TIA.

(iii) If any of the following modifications to an existing development are proposed, either the existing TIA will be required to be updated or, if there is no prior TIA, a TIA will be required and the applicant may be required to submit a circulation study, in accordance with the TCM, at the discretion of the City Engineer.

(1) The modifications result in an increase of 49 PHT or more;

(2) Land uses are changed resulting in different distribution patterns;

(3) Increases in land use intensities result in at least ten (10) percent or greater PHT than those assumed in the previously completed TIA.

(4) Land uses are relocated or reallocated;

(5) Site access points are increased, reduced, or relocated; or

(6) Traffic controls at access points are changed;

(iv) For the modification of an existing Public School campus and/or building within it, irrespective of the PHT generation:

(1) The applicant shall submit a turn lane analysis as described in Section

~~2.5.12.E [~~2.5.12.F~~]~~.

(2) The applicant shall submit a circulation study in accordance with the TCM.

(3) The applicant is not required to submit a Proportional Mitigation Determination Report as described in Section 2.5.12.E.

(4) The applicant is not required to submit a TIA.

***

2.5.12 Traffic impact analysis (TIA)

G. Administration

2. The City Staff, Planning and Zoning Commission, or the City Council, as appropriate based on the type of Development (see Section ~~3.4[~~3.5~~]~~ for Zoning requests and Sections 2.1 and 2.2 for Plat requests), may use the TIA as a basis for consideration of associated Development applications.

***

2.5.13. Easements, dedications, and restrictive covenants.

F. Drainage easements.

7. Drainage easement must be provided along natural drainage ways and lakes and reservoirs.

8. Drainage easements must be provided in accordance with the recommendation of the City Engineer and the Planning Director to accommodate the fully-developed 100 year storm peak flow rates or the flow of the flood of record whichever is greater.

9. Drainage easements must encompass all areas beneath the water surface elevation of the Base Flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the City Engineer.

H. ~~Floodplain easements~~ Natural channels.

~~1. Floodplain easements must be provided along natural drainage ways and lakes and reservoirs.~~

~~2. Floodplain easements must be provided in accordance with the recommendation of the City Engineer and the Planning Director to accommodate the fully-developed 100-year storm peak flow rates or the flow of the flood of record, whichever is greater.~~

~~3. Floodplain easements must encompass all areas beneath the water surface elevation of the Base Flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the City Engineer.~~

~~4.~~1. The following full statement of structures shall be placed in the dedication instrument of the Plat:

Floodplain Drainage Easement Restriction: Construction within the floodplain may only occur with the written approval of the City. A request for construction within the floodplain drainage easement must be accompanied with detailed Subdivision Construction Plans and studies indicating that the construction will cause no adverse impact, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) feet above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The City will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his or her property clean and free of debris, silt, or any substance, which would result in unsanitary conditions. The City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur.

K. Maintenance of easement.

1. Easements required in this subsection ~~2.5.11 [~~2.5.13~~]~~ are areas established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.

***

2.5.13 Water utility.

A. General.

2. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements must be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the Texas Administrative Code, ~~Chapter 290[~~Title 30 Chapter 290~~]~~.

***

2.6.1. Petition for subdivision waiver.

C. Subdivision waiver applicability

1. Waiver of standard or requirement

~~(iv) The City will not issue a Certificate of Completeness (see subsection 1.4.2.E) for any application considered under this Article 2 until the City Council grants a Waiver requested this subsection 2.6.1.~~

~~(v)~~(iv) If the City and Subdivider determine there is a need for a waiver ~~following the issuance of a Certificate of Completeness~~, and no Waiver of Right to 30-day Action has been submitted to the City in accordance with subsection 2.2.1.D. the Plat or Construction Plan application listed in subsection 2.6.1.C.1(i), as applicable, will automatically become forwarded to the Planning and Zoning Commission with a recommendation for denial.

2. Waiver petition acceptance.

(i) The City will not accept petition for a Subdivision Waiver in lieu of:

(1) A Subdivision Proportionality Appeal (subsection ~~2.6.1 [~~2.6.2~~]~~), or

(2) A Subdivision Vested Rights Petition (subsection 1.5.1).

***

3.1.6. Zoning upon annexation.

A. Property that is annexed into the City will, by distinct and separate action of City Council, have an interim zoning of AG, unless City Council approves a prior agreement that specifies the

zoning or approves a different designation at the time of annexation.

1. If the annexation area is comprised only of right-of-way, the zoning district line adjoining each side of the right-of-way shall be automatically extended to the centerline of the annexed right-of-way.

F. Unexpired permits in process at the time of annexation shall continue to be valid consistent with TLGC ~~Section [~~Chapter~~]~~ 245 and with Sections 1.4, ~~2.1.1 [~~2.2.1~~]~~, and 1.5 of this UDC as each pertains to vesting of permits and projects.

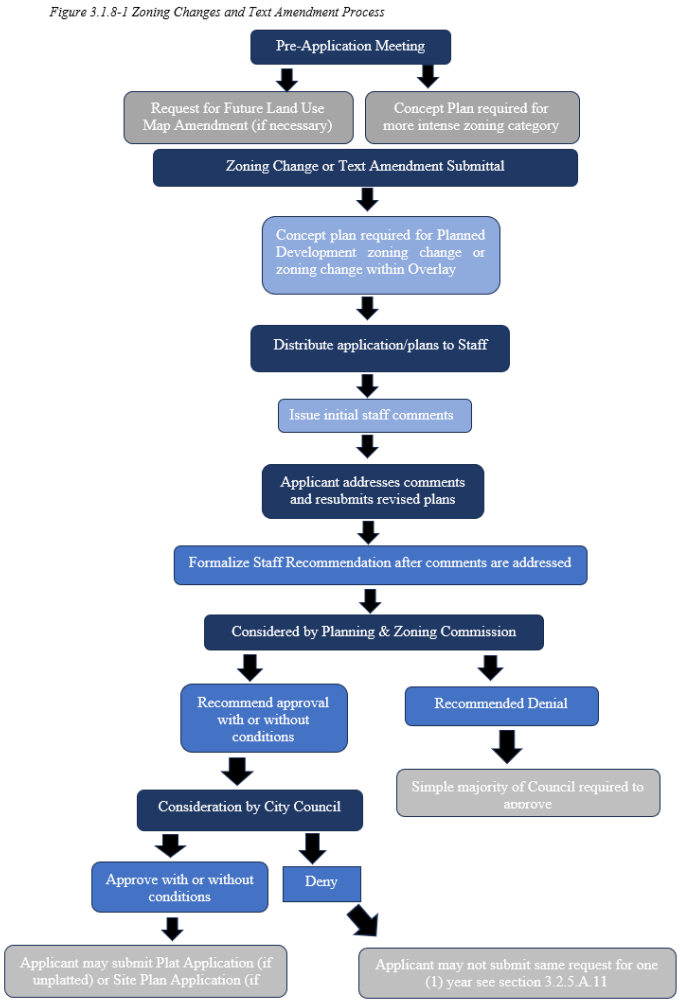
G. A lot, use, or building that was legally established prior to annexation but is made non-conforming after annexation may continue consistent with TLGC Section 211.017 and Section ~~3.4.8 [~~3.4.11~~]~~.

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3.1.8 Amendment to zoning map or text

Figure 3.1.8-1 Zoning Changes and Text Amendment Process



A. Process Requirements

5. Required Notice.

(2) If the proposed rezoning will add residential units (either single-family residential or multi-family residential), the school district that serves the property must also be notified in the same manner as a property owner.

(3) If the proposed rezoning will result in a current conforming use of a property becoming a nonconforming use, written notice shall be provided to each owner of property where the proposed nonconforming use is located and each occupant of the property not later than ten (10) calendar days before the hearing date, containing the time and place of the hearing and including the following text in bold 14-point type: "THE CITY OF BEE CAVE IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

~~(3)~~(4) Such Notice shall be given not fewer than eleven (11) calendar days before the date of the Planning and Zoning Commission by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.

6. Planning and Zoning Commission Decision and Required Public Hearing

(i) The Planning and Zoning Commission shall hold a public hearing on any application for rezoning (Subitem 4(i) above) or text amendment (Subitem 4(ii) above) prior to making its report and recommendation to City Council. The Commission may provide its report via the staff report.
(ii) In making its recommendation, the Planning and Zoning Commission shall consider the following:

(1) Whether the zoning change is consistent with the Future Land Use Map and the Comprehensive Plan;
(2) Whether the proposed change will have a detrimental effect on properties abutting the property proposed for rezoning or upon properties affected by the proposed text amendment; and
(3) Whether the proposed change will result in detrimental impacts upon existing or planned Public Facilities or the administration of this UDC.

~~(iii) The Commission may include a report of its finding and decision as part of the staff report to City Council.~~

7. City Council decision and required public hearing.

(iii) The rezoning or text amendment shall not become effective except upon a simple majority vote of the City Council.

***

3.3.5 Use Chart

	AG	R-1	R-2	R-3	R-4	R-5	MU N	MU C	MU TC	CR	P	~~HC~~HCO	Parking See Section 3.36
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						P	P	P	P				1.5 per unit + 1 guest space per 5 units

(6+ units per lot)													
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P			P	1 per ADU
Independent Living Facility					P	P	P	P	P			P	1.5 per unit
Manufactured Housing	P												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	1 per unit/room
Community Home or Family Home	P	P	P	P	P	P	P	P	P			P	2 per unit
Halfway House										S			Per SUP

							MU						Parking
	AG	R-1	R-2	R-3	R-4	R-5	N	C	TC	CR	P	~~HC~~HCO	See Section 3.36
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 Takeout); additional parking may be required on a case-by-case basis based on amenities

													provided (i.e. recreation facilities)
Hotel, Limited Service								S			S		2 per guest room
Retail and Food Service													
Farmer's Market							S	P	P	P	P	P	2.5 per vendor space
Food and Beverage Services							P	P	P	P		P	See section 3.3.6
Food and Beverage Services (with drive-through)							S	S		S			See section 3.3.6
Grocery Store, Regional								P	P	P			1 per 250 sf
Micro Brewery or Distillery	P						P	P	P	P		P	1 per 250 sf of tasting room
Retail Sales							P	P	P	P		P	1 per 250 sf
Retail Store, "Big Box"										P			1 per 250 sf
Winery	S											S	1 per 250 sf of tasting room

							MU						Parking
	AG	R-1	R-2	R-3	R-4	R-5	N	C	TC	CR	P	~~HC~~HCO	See Section 3.36
Personal Services and Other Commercial													
Artisan Studio	P						P	P	p			P	See section 3.3.6.
Bank					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	P	P	P	P	P	P	P	P	P			P	1 per ADU

Independent Living Facility					P	P	P	P	P			P	1.5 per unit
Manufactured Housing	P												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

***

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

C. Elements Required on All Buildings

1. Building Orientation

Any building within view of a public or private Right-Of-Way, street, or common drive access which functions as a street shall either face such Right-of-Way or street or shall have a façade facing such Right-of-Way or street consistent with the character of the front or primary façade.

3. Pedestrian shelter

Buildings shall provide weather and sun protection in the form of awnings, canopies, porticos, recesses, or other similar elements integrated with the building form along a minimum of twenty-five percent (25%) of all building frontages adjacent to or facing the street or any abutting parking area, with a maximum shelter height of fifteen (15) feet

4. Wall and roof articulation.

To avoid the appearance of a flat wall or roofline, facade depth and height articulation is required on any facade of a building that faces a public or private Right-of-Way, street, or common drive access that functions as a street, per the following:

(i) Depth articulation of at least three (3) feet shall be required for every thirty (30) feet of building façade length (see Figure 3.4.5-1). Depth articulation applies only below the roofline. ~~(see Figure 3.4.5) 1)~~ Alternatively, depth articulation of at least three (3) feet may be provided every fifty (50) feet of a building façade length if, in addition to preceding articulation, at least one of the following is provided and the Planning Director determines the building design meets the intent in a subsection 4, above:

(1) A perceptible change in the primary façade material such that no single material is used on more than two-thirds of the building façade for which the increased length in depth articulation is granted. A change may be achieved by a change in color

of the same material (e.g. use of different types of stone; a change in material (e.g. use of sone and brick); or a combination thereof

6. Windows.

(i) To provide security, light, and visibility to and from the street, buildings shall provide glazing on a minimum of thirty-five percent (35%) of the linear ground floor frontage and twenty-five percent (25%) of the linear floor frontage for each floor above the ground floor on all sides of a building that face a public or private Right-of-Way, street, or common drive access that functions as a street. The Planning Director may reduce or waive this requirement for buildings with an area less than 500 square feet and for the facade of building adjacent to interior restrooms, storage areas, and other areas where glazing is not appropriate.

D. Minimum elements needed for approval.

3. To qualify for approval under this subsection ~~3.4.3 [~~3.4.5~~]~~, a development must provide the minimum required number of features from the categories shown below. The number of features required for subsection 3.4.5.F is calculated based on the square footage of the individual building to which it applies. The number of features required for subsections 3.4.5.G and 3.4.5.H are based on the aggregate square footage of the development.

(iv) A reduction in the number of required features from subsection 3.4.5. F-H may be granted by the Planning Director for a building between 0 and 2,500 square feet.

(v) If a structure or building is unable to meet design requirements of section 3.4.5 due to its specific use(s) or functions(s), such as water or wastewater treatment plants and other utility facilities, the Planning Director may modify the requirements of this section; provided, however, The Planning Director may also prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects when granting any modification.

4. Request for substitution of a new of or alternative design element. An applicant may request a design element not listed in subsection 3.4.5 F, 3.4.5. G, or 3.4.5. H using the process listed in subsection.

G. Site design elements

Table 3.4.-9: Nonresidential and Mixed Use site Design Features Menu

17. Increase provision of shrubs by at least twenty-five percent (25%) over minimum requirements, including native plantings, native ornamental grasses, and flowers with seasonal color and locate within beds or permanent metal or clay-fired planters either: within 20 feet of the front building façade; or clustered in gardens accessible to the public.

***

3.4.6. Hill Country Overlay standards

B. Applicability.

1. Properties within the boundaries of the Hill Country Overlay District may be developed using either the dimensional standards in Section 3.4.1 of the applicable underlying base district or the standards of the Overlay District.

(i) If the base district standards are selected, the available uses shall be limited to those listed for the associated base district in Section ~~3.3.1 [~~3.3.5~~] (use table)~~.

(ii) If the Overlay District standards are selected, the available uses shall be limited to those listed for the Hill Country Overlay in Section 3.3.5. ~~(use table)~~

(iii) Excepting that the following land uses are prohibited within the boundaries of the Hill Country Overlay District:

(1) Any use with a drive-through;
(2) Gas Station;
(3) Motorized Vehicle Sales;
(4) Mini Storage;
(5) Warehousing; and
(6) Outside Storage.

2. The following regulations are in addition to the underlying base district regulations found elsewhere in ~~Section 3.3. and~~ this Section 3.4. In the event of a conflict, the regulations of the Overlay shall govern.

~~D. Land use. Uses shall be permitted in the Overlay as shown in subsection 3.3.5. with the following exceptions, which shall be prohibited:~~

~~(1) Any use with a drive-through;~~
~~(2) Gas Station;~~
~~(3) Motorized Vehicle Sales;~~
~~(4) Mini Storage;~~
~~(5) Warehousing; and~~
~~(6) Outside Storage.~~

***

3.4.8 Conditional standards

B. Conditional uses and standards.

1. Accessory dwelling unit

(ii) An ADU is considered an Accessory Buildings or Structure and must meet the standards of subsection 3.4.9. ADUs count toward the maximum number of Accessory Buildings or Structures permitted by 3.4.9. B. 3(i).

***

3.4.9. Pools, patios, accessory buildings and structures.

B. Limitation on size of accessory buildings and structures.

3. Single-family properties.

(i) Residential properties developed as single-family residential, duplex, or townhome that are one (1) acre or less may have up to three (3) Accessory Buildings or Structures totaling no more than seven hundred fifty (750) square feet. No more than one (1) Accessory Building or Structure may be an Accessory Dwelling Unit (ADU). An ADU may exceed 750 square feet, but shall adhere to the standards of 3.4.8. B.1.

***

3.4.11. Non-conforming lots, structures, and uses.

E. Non-conforming use.

2. Zoning Board of Adjustment actions related to non-conforming uses.

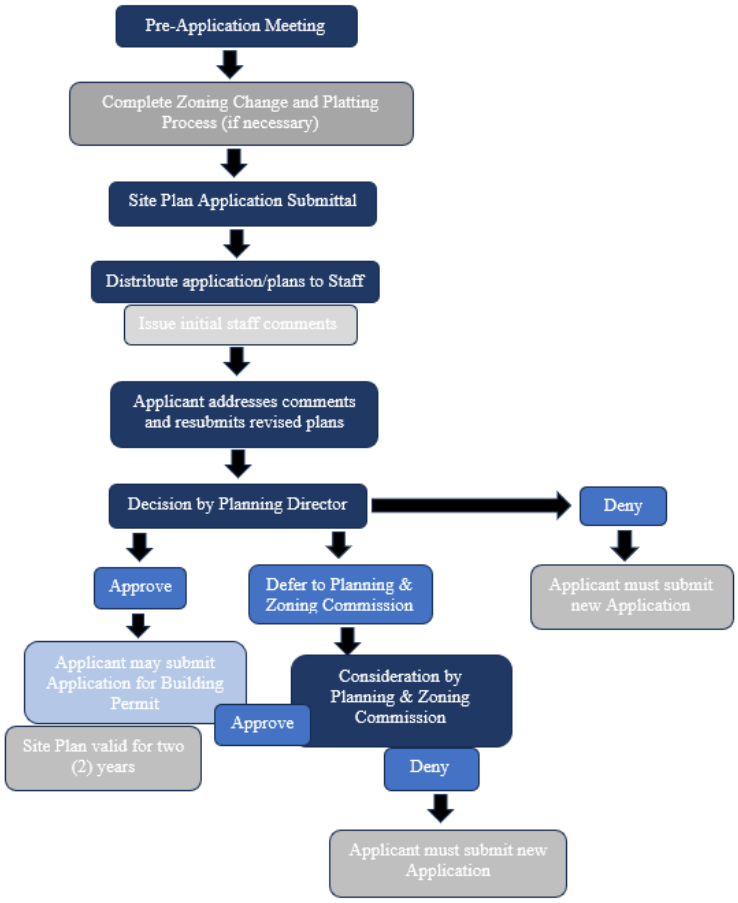
(ii) The Board of Adjustment may issue an order authorizing a non- conforming use on a lot of record to expand up to fifteen percent (15%) of the extent or size of the use at the time it became non-conforming; provided however, that the Board may require any outdoor expansion of a non-conforming use to meet applicable screening requirements (see subsection 5.1.1 [5.1.2]) and any expansion of a structure or building housing a non-conforming use to meet subsection 3.4.11.E.3 and 4 below and subsections 3.4.3., 3.4.4., and 3.4.5, as applicable.

***

3.5.4 Zoning and site design compliance plan ("site plan").

E. Fees, forms, and procedures.
Figure 3.5.4-1 Administrative Site Plan Approval Process

Figure 3.5.4-1 Administrative Site Plan Approval Process



***

F. Approval process.

1. Administrative site plan.

(i) The Planning Director is responsible for approving a Site Plan with no associated Specific Use Permit or Waiver Request if it meets all the requirements of the UDC, including, but not limited to the following criteria:

(11) The Site Plan provides and configures open space in a way that ensures such areas are usable for the planting and sustenance of trees and shrubs, provide an area for safe pedestrian paths and for seating areas, contribute to the objectives of Article 6 Supplemental Development Standards, Article 7 Stormwater Management, and Article 8 Flood Damage and Prevention, and prevent large expanses of paved area;

~~Figure 3.4.5-1: Administrative Site Plan Approval Process~~

(ii) Planning Director action.

(3) If the Site Plan has an associated Specific Use Permit or Waiver Request, it will be forwarded to the Planning and Zoning Commission for recommendation and City

Council for action in accordance with Table 3.522.

G. Approving bodies. Table 3.5-2 is a Summary of approving bodies for each type of Site Plan.

Table 3.5-2 Site Plan Approval Authority					
Application Type	City Council	Planning and Zoning Commission	Staff (Responsible Official)	Public Notice	Section Reference
R = Review/Recommending body **|** **DM** = Decision-Making Body (final decision to approve or deny) **|** **<>** = Public Hearing **|**Hearing Notice: **N** = Newspaper; **M** = Mail					
Site Plan with Specific Use Permit	<DM>	<R>	R	N,M	3.5.6
Site Plan with an associated Waiver Request	DM	R	R	____	3.5.3.4
Site Plan	DM (if P&Z decision is appealed by applicant)	DM (if appealed by applicant or deferred by staff)	DM	____	3.5.4
Alternate Compliance Site Plan	DM (P&Z decision is appealed by applicant)	DM (appealed by applicant or deferred by staff)	DM	___	3.5.3

I. Fiscal Security for completion of improvements.

1. Estimated cost and security approval. The City requires Fiscal Security in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required erosion and sedimentation controls, including, water quality facilities; and roadway and pedestrian facilities, to the City's standards as estimated by the applicant's engineer, and as approved by the City Engineer.

2. Type of security. The applicant must guarantee proper construction of the improvements and payment of all claimants supplying labor and materials for the construction of improvements, in accordance with the City's standards and with the UDC, by one of the following methods:

(i) Cash or Check

(ii) An Irrevocable Letter of Credit may be accepted and approved as to form by the City Attorney (see section 2.4.4 Table 2.4-1: Summary of Fiscal Security Types for scenarios in which a Letter of Credit is acceptable).

(iii)A bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City (see Section 2.4.4 Table 2.4-1: Summary of Fiscal Types for scenarios in which a bond is required or acceptable).

(iv)All performance and payment bonds shall be approved as to form by the City Attorney.

J. Pre-construction Meeting

1. The Applicant of the Applicant's agents must attend a Pre-Construction Meeting with the City Engineer following the approval of the Site Plan and before Construction Release.

2. Sequence of events.

(i) Notice. Once the Applicant receives written notice from the City Engineer that the Site Plans are approved, the project is eligible for a Pre-Construction Meeting. It is the responsibility of the Subdivider to schedule the Pre-Construction Meeting with all applicable jurisdictional entities.

(ii) Pre-construction meeting. The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for project construction. The Pre-Construction Meeting is a prerequisite for Construction Release and will not be scheduled until all fees are paid and fiscal security is posted with the City.
(ii) Construction release.

(a) Following the Pre-Construction Meeting, receipt of all documentation and full compliance with all Pre-Construction requirements, the City Engineer will authorize Construction Release.

(b) The Construction Release will remain in effect for a period of one (1) year from the release date, or for the duration of construction of the project, provided that the applicant continues to demonstrate Progress Toward Completion in accordance with subsection 3.5.4.

K. Site Closeout

1. Prior to issuance of the Certificate of Occupancy, the construction work associated with the approved Site Plans must be closed out by the City Engineer. The following checklist is required to be completed prior to the City Engineer closing out the site:

(i) Record Drawings (stamped as such by the engineer);

(ii) Confirm the City has received recorded restrictive covenants for the water quality maintenance and IPM and any applicable easements;

(iii) Final acceptance letters from all applicable approval entities;

(iv) Concurrence letters from engineer and landscape architect (City Staff will not perform the final site inspection until these are received);

(v) Final inspection by City engineering department staff;

(vi) CAD (.dwg) files of the improvements including easements and boundary information;

(vii) Post two (2) year maintenance bond(s), effective at the time of site closeout, in the amount of twenty five percent (25%) of the original performance bond amount(s);

(viii) Provide all Stormwater Pollution Prevention Plan (SW(3)) inspection reports generated through the duration of the project construction period.

~~I~~L. Amendments to approval site plans.

1. The Planning Director may administratively approve changes from an approval Site Plan without requiring the applicant to submit a new Sit Plan application for approval, if the requested changes meet the criteria listed in Section 3.5.4(L)(3). If this criteria is not met, a new Site Plan Application must be submitted.
2. If a Site/NPS Plan permit has been issued but revisions are requested prior to Construction Release ~~pre-construction~~ or after the site has been closed out by the City ~~post-construction~~, a Site Plan Amendment application with revised plans is required. If the requested changes occur during construction, changes may be administratively approved as a Site Plan Revision by the City Engineer ~~in a format authorized by the Director~~ but must be reflected on an updated plan set or record drawings, as appropriate, prior to site closeout ~~acceptance~~.

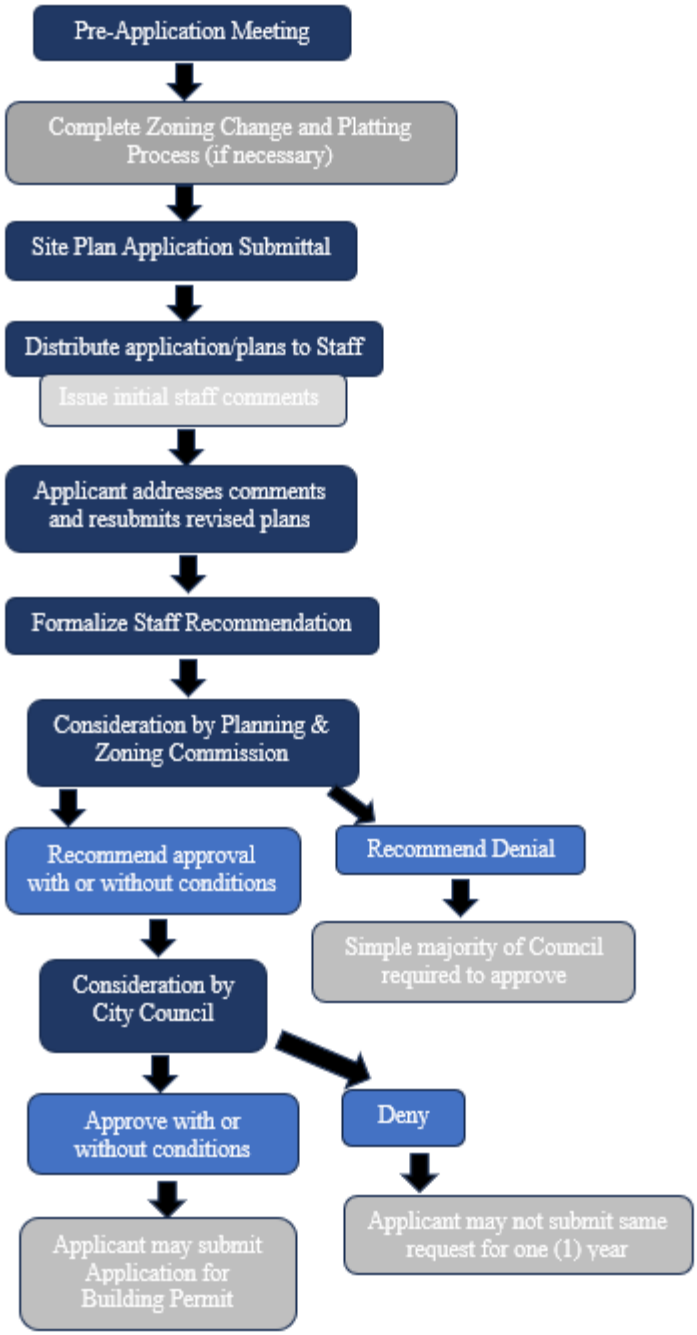
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3.5.6 Specific use permit.

Figure 3.5.6-1 Specific Use Permit Approval Process
[Figure 3.5.6-1 is deleted and replaced with the following]

Figure 3.5.6-1 Specific Use Permit Approval Process



C. Site plan approval required for certain SUPs.

1. (ii)(6) The Site Plan ~~conforms~~ is in compliance with ~~[sic]~~ the requirements of Section 3.5.4.

1. (iv)(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)~~ simple majority.

***

3.6.2. Zoning variances.

B. Findings of undue hardship.

2. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall ~~it permit any person the privilege of developing a parcel of land not permitted to other parcels of land in the particular zoning district~~ it allow land use not otherwise permitted in the applicable zoning district or increase the allowed residential density in the applicable zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

***

3.6.5. Limitations on Zoning Board of Adjustment authority.

E. The Board may not grant variances modifying or waiving the procedural requirements of the ordinance.

***

Article 4 – Sign Types and Definitions

4.2.2 Permitted signs.

D. Permanent sign types.

15. City gateway signs.

(i) Purpose. To permanently identify the location of the City's municipal boundaries and/or city properties and to convey information regarding City's:

(1) Name;
(2) Address;
(3) Operations; and
(4) Public Events.

(ii) Design. City Gateway Signs shall be monument type signs comprised of two components: a sign face and a sign base. The sign face shall include a fixed section and may also include an Electronic Message Board section. The sign shall be in accordance with the following provisions:

(1) Design: City Gateway Signs shall be designed in accordance with Section 4.2.2.D.~~16~~14(iii) [sic], except for Section 4.2.2.D.~~16~~14(iii)(1)(d) [sic] number and location, which shall be governed by the following:

(a) Number and location:

~~(iii)~~1. A City Gateway is permitted to be located within 1,000 feet of the City's municipal limits, at the confluence of arterial roadways, or on city-owned or leased property on the public street that it abuts. If a city owned or leased property has two or more public entrances on distinct, separate public streets, then an additional City Gateway Sign on the secondary street is permitted.

~~(1)~~(2) Landscaping: Landscaping for City Gateway Signs shall be in accordance with Section 4.2.2.D.~~16~~14(iv) ~~[sic]~~.

***

5.1.1 Landscaping Standards

A. Landscaping Requirements Applicable to All Development

6. Irrigation Required

(i) ~~Unless the Planning Director approves as a xeriscape design, a~~All landscaped areas and plantings, whether required to be planted for Site Plan approval or planted at the Developer or owner's discretion, shall be irrigated by one or more of the following methods:

(1) Automatic underground irrigation system; or
(2) Drip irrigation.

(ii) Irrigation is not required within the 75' (or equivalent) roadway buffer (see subsection 5.1.1B.1) for existing trees and vegetation only, which is encouraged to remain and may be counted towards fulfillment of landscaping requirements. Water quality re-irrigation is allowed in conformance with Article 7 and the Technical Manual.

(iii) Irrigation lines shall be installed as part of the Site Plan unless approved by the City Engineer.

(iv) Water quality re-irrigation may not be used as a primary or sole means of irrigation for required landscape areas and plantings.

7. Planting Over Easements and in Right-of-Way

(i) The City, State, or any utility with ownership or right of access to an easement or right-of-way may refuse to allow the planting of trees or shrubs within the easement or right-of-way.

(ii) The State, City, or any utility with ownership or right of access to an easement or right-of-way may at any time remove or require landscaping to be removed from a right-of-way or easement.

(iii) In removing the landscaping, the entity with ownership or right of access to an easement shall not be held responsible or liable for any cost or damages due to such removals. If

landscaping required by an approved landscape plan is to be removed, it shall be the responsibility of the property owner to replace the required landscaping elsewhere within the remaining site area or buffer within ninety (90) days or in the next planting season.
(iv) Planters and other permanent structures are prohibited within the right-of-way or within drainage or utility easements except through a license agreement approved by the City and all entities with right of access to the easement or right-of-way.
(v) The owner of the property directly abutting a right-of-way is responsible for maintaining any landscaping located within the right-of-way abutting the property, and within any easements located on the property.
(vi) In addition to enforcing the penalty provision of subsection **1.1.13**, the City may remove from any right-of-way growths and materials that interfere with the safe use of streets and sidewalks and, in so doing, the City, its officers, agents and employees shall not be liable by the owners of property abutting the right-of-way. Any expense incurred by the City for such removals may, at the City's discretion, be charged to the property owner.

8. Species Diversity Required

(i) If more than eight (8) trees are to be planted, no more than twenty-five percent (25%) of the new trees to be planted on a site, development, or property shall be of the same species in order to encourage a diverse landscape that will not be subject to loss to a specific disease or insect. Refer to Approved Plant List in the ECM.
(ii) Approved plant materials must be in accordance with the Technical Manual and all required plants must be selected from the list contained in the Technical Manual.
(iii)A Developer, Subdivider, or property owner may propose a species not found on the list of approved plants if a registered Landscape Architect attests to the species being non-invasive, not disease-prone, and shown to have a canopy or foliage meeting the dimensions of an approved species for the purpose of calculating canopy area or screening height under this **Article 5**.

9. Planting of Landscaping

(i) Planting of landscaping for commercial purposes shall be restricted to the months between October 1st and March 31st, in line with optimal conditions for vegetation growth and adherence to water conservation strategies. Planting outside the months of October 1st to March 31st may be permitted with approval from the City Engineer and submission of a Planting Establishment Plan.

(ii) When planting is not feasible between October 1st and March31st, fiscal security shall be provided per 2.4.4A Table 2.4-1 for the postponement of landscaping and ensure proper landscaping at a later date.

(iii) All landscaping requirements of this chapter, including those specified in an approved landscape plan, must be met prior to the issuance of a certificate of occupancy for any premises to which these regulations apply. In cases where weather conditions or similar circumstances delay compliance, the City Manager may grant a Temporary Certificate of Occupancy (TCO), provided the owner or owner's agent enters into a signed agreement with the city committing to full compliance with the landscaping requirements within sixty (60) calendar days of October 1st of the same calendar year in which the TCO was granted. Should additional time beyond the initial sixty (60) days be necessary, an extension must be

sought and approved by the city manager. Failure to adhere to the planting schedule during the designated period and any approved extensions will result in the accrual of daily fines, not exceeding 100% of the fiscal security amount.

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6.1.6 Tree Removal

D. Plan for removal required.

1. An application for a Tree Removal Permit that is unrelated to Development shall include the following information:

   (i) A detailed written statement that describes the proposed alteration and provides the following information:

      (1) The area of land to be disturbed;

      (2) The method and equipment to be used;

      (3) The date(s) of Removal or Alteration; and

      (4) The reason for the requested tree removal (see subsection 6.1.6.E below).

      (5) Photographs of subject tree(s)

   (ii) A legible diagram or map showing the following:

      (1) Location of existing structures, improvements, streets, right-of-way, property lines, setbacks, and required buffers;

      (2) Location of existing utility lines, mains, and easements;

      (3) Other Protected Trees, Significant Trees, Specimen Trees, or Heritage Trees within two hundred (200) feet of the Tree(s) proposed for removal, if any.

   (iii) Other information the Building Official may reasonably request.

   (iv) The name(s) and contact information of the following:

      (1) Property Owner

      (2) Company responsible for the removal of trees

      (3) Applicant

***

Article 9 – Definitions

9.1.16 Terms beginning with "P."

Private Facilities Any facility, infrastructure, improvement, device, or utility connected directly or indirectly to a Public Facility. A Private Facility may be, but is not limited to, streets; sidewalks and paths; parks; drainage infrastructure; water lines and treatment facilities; wastewater lines and treatment facilities; electrical lines, transformers, poles, and junctions; gas lines; cables and fiber optic lines; cellular infrastructure.

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, PLLC