

ORDINANCE NO. 2024-27

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING THE CITY OF BUDA UNIFIED DEVELOPMENT CODE ("UDC") TO AMEND CERTAIN DEVELOPMENT STANDARDS AND ADD DEFINITIONS IN SUBSECTIONS 2.06.05, 2.06.06(A)12, 2.06.06(A)28, 2.09.06, 2.10.10, 2.10.09(E), 2.10.10(R), 2.08.02(B)3, 4.02.05(F), 4.05.05(A)2, and 5.02.01 TO SUPPORT DEVELOPMENT IN THE CITY OF BUDA, UPDATE DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Buda, Texas (the "City") is a home rule municipality located in Hays County, Texas, created in accordance with the provisions of Chapter 9 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City has adopted a Unified Development Code, and since its adoption has made several amendments thereto; and

WHEREAS, City staff presented to the Planning and Zoning Commission certain proposed amendments to the Unified Development Code related to new uses, SUP expiration, parking in the Downtown Node, cut and fill standards, water quality standards, and definitions to support development in the City's Historic Overlay; and

WHEREAS, the City Council finds on May 14, 2024, after notice required by law and the City of Buda Unified Development Code, the Planning and Zoning Commission of the City of Buda held a public hearing regarding said amendments to the Unified Development Code, and recommended that certain amendments be adopted by the City Council of the City of Buda; and

WHEREAS, the City Council finds on June 4 2024, after notice required by law and the City of Buda Unified Development Code, the City Council of the City of Buda held a public hearing regarding said amendments; and

WHEREAS, the City Council finds all requirements of the City of Buda Unified Development Code pertaining to amendments of the Unified Development Code have been met; and

WHEREAS, the City Council finds certain amendments to the Unified Development Code are necessary to meet changing conditions and are in the best interest of the City; and

WHEREAS, the City finds that this ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS, THAT:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: Sections 2.06.05, 2.06.06(A)12, 2.06.06(A)28, 2.09.06, 2.10.10, 2.10.09(E), 2.10.10(R), 2.08.02(B)3, 4.02.05(F), 4.05.05(A)2, and 5.02.01 of the Buda Unified Development Code, are hereby amended to read in accordance with **Exhibit A** which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined text shall be added, and struck-through text shall be deleted as indicated in **Exhibit A**.

Section 3: Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 4: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 5: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances are hereby repealed.

Section 6: Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 7: Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

2.06.06 Conditional Standards

A. The following conditional development standards shall apply, as indicated in the Use Chart:

12. Bar/Tavern (>60%>75% Sales from Alcohol without a TABC Food and Beverage Permit) or On-Premise Consumption of Alcohol or Liquor Store.

28. Small Live Music Venue, Indoors; Small Live Music Venue, Outdoors.

a. Small Live Music Venues shall comply with Article 14.04. Noise of the City of Buda Code of Ordinances.

Subsection 2.09.06 Residential Adjacency

A. Purpose. The intent of this section is to preserve and protect the integrity of single family residential neighborhoods, to protect the quiet enjoyment of single family residential properties, and to maintain property values.

B. Applicability.

a. The following residential adjacency standards shall apply to all non-single family development within the R-4, R-5, B-1, B-2, B-3, LI, and HI zoning districts that lie within four hundred (400) feet of properties used for single family residences in the Estate Residential (R-1) District, Suburban Residential (R-2) District, or One & Two Family Residential (R-3) District, or in the ETJ.

b. For purposes of the section, the four hundred (400) foot distance shall be measured from the non-single family residential building or use to the property line of the single family residence.

D. Development Regulations.

8. Cut and Fill Standards. Where development sites abut residentially zoned or used property, the layout of the street network, lots, and building sites shall minimize the amount of cut and fill on slopes in accordance with the standards for cut and fill identified in this Section.

a. Cuts. Cuts or other excavation on a tract of land may not exceed four feet of depth, except:

i. In a street right-of-way;

ii. For construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:

1. The design and location of the facility within the site minimize the amount of cut over four feet;

2. The cut is the minimum necessary for the appropriate functioning of the facility; and

3. The cut is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway.

iii. For cuts within the perimeter of a building footprint and temporary cuts necessary during construction of a building foundation within a building footprint;

iv. For utility construction or a wastewater drain field if the area is restored to

- natural grade.
 - b. Fill. Fill on a tract of land may not exceed four feet in depth, except:
 - i. In a street right-of-way;
 - ii. Under a foundation with sides perpendicular to the ground, or with pier and beam construction;
 - iii. For utility construction or a wastewater drain field;
 - iv. In a state-permitted sanitary landfill, if:
 - 1. The fill is derived from the landfill operation;
 - 2. The fill is not placed in a water quality zone, buffer zone, or a 100-year floodplain;
 - 3. The landfill operation has an erosion and restoration plan approved by the City; and
 - 4. All other applicable City Code provisions are met.
 - c. Cut area surfaces and fill areas must be restored and stabilized in accordance with the City Engineering Technical Manual.
- 9. Relief from Cut and Fill Standards
 - a. Administrative Relief. The City Engineer may approve an administrative relief to a requirement of section 2.09.06.D.8 for a cut or fill of not more than eight feet subject to the criteria below.
 - b. Criteria. The following criteria are used to determine a request for relief from the cut and fill requirements.
 - i. The post-construction layout is integrated with natural contour lines; and
 - ii. There will be no negative effects regarding noise, glare, and lighting on the character of the neighborhood, protective screening, and open space;
 - c. Planning and Zoning Commission Relief. A request for a cut or fill greater than eight feet may be approved by the Planning and Zoning Commission subject to the Criteria in section 2.09.06.D.9.b.
 - d. Appeal Process. An applicant may appeal an Administrative Relief decision outlined in section 2.09.06.D.9.a subject to a determination by the Planning and Zoning Commission. A determination made by the Planning and Zoning Commission may be appealed to the City Council.

Subsection 2.10.09 Specific Use Permit (SUP) Regulations and Procedures

- E. Specific Use Permit Expiration and Extension
 - 1. SUP Expiration
 - a. If, after one (1) year from the date of approval of an SUP, no substantial development progress has been made within the SUP, then the SUP shall expire.~~A SUP shall automatically expire if a building permit is not issued and construction begun within six (6) months of the granting of the SUP.~~
 - 2. Specific Use Permit Extension
 - a. The City Council may authorizes an extension beyond the one (1) six (6) yearmonths upon recommendation by the Director of Planning.

Subsection 2.10.10 Designation of and Development in Historic Overlay (O-H) District or of a Historic Landmark ~~for Parking Requirements~~

Subsection ~~2.10.10.R~~ 2.08.02.B.3 Regulating Plans for Form Districts

1. Parking within the Downtown Node (Figure 13) Historic Overlay (O-H) District
 - a. Commercial uses within the Downtown Node (Figure 13) Historic Overlay (O-H) District must provide public parking directly in front of their property within the right-of-way.
 - i. Parking shall extend across full property frontage, subject to the City Engineer's Engineering Director discretion.
 - ii. Where Right-of-Way in inadequate portions of the depth of parking may be located within the private and public property with a public parking easement.
 - b. Commercial uses within the Downtown Node (Figure 13) Historic Overlay (O-H) District are not subject to off-street parking requirements.
 - i. Uses that require a Special Use Permit (SUP) may be subject to off-street parking requirements through the SUP process.
 - ii. Residential uses within the Historic Overlay are required to provide one (1) parking space per Dwelling Unit.

Subsection 4.05.05.A.2 Water Quality Protection outside of the Barton Springs/Edwards Aquifer Zone

- A. Standards for Development outside the Edwards Aquifer Recharge Zone. Residential and nonresidential development projects in the City and extraterritorial jurisdiction and outside of the Edwards Aquifer Recharge Zone shall comply with 4.05.04. Water Quality Protection inside of the Barton Springs/Edwards Aquifer Zone, with the following modifications:
 1. The requirements of 4.05.04.A Recharge Zone Impervious Cover Limitations and Pollution Prevention Requirements through 4.05.04.G Critical Environmental Features are not applicable outside of the Edwards Aquifer Recharge Zone.
 2. Section 4.05.04.H Water Quality Control Standards is modified to read as follows:
 - a. A water quality control must be designed in accordance with the most recently adopted version of the Engineering Criteria Manual, or LCRA's Non- Point Source Pollution Control Technical Manual (both are kept for reference at City Hall), or any other innovative management practice approved by the City Engineer.
 - b. A water quality control must isolate and treat the water draining to the control from the contributing area and result in a 75% reduction in total suspended solids and total phosphorous resulting from the development activity. The required pollutant reduction level is applied only to the incremental increase in pollutant load caused by development. ~~If a sand filtration system is required, the minimum required capture volume is the first one-half inch of runoff, or the 2-year storm runoff volume, whichever is~~

greater.

- c. Water quality controls must be situated to receive and treat all runoff from impervious surfaces in the development. Where this is not practicable, supporting documentation must be provided to demonstrate attainment of the necessary water quality treatment level.
- d. The location of a water quality control must be shown on the slope map, preliminary plan, site plan, or subdivision construction plan, as applicable; and may not be located in a twenty-five (25) year floodplain.

Subsection 5.02.01 Words and Terms Defined

Dance Hall, Night Club, or Large Live Music Venue, Indoors An indoor establishment offering to the general public facilities for concerts, dancing, and similar entertainment.

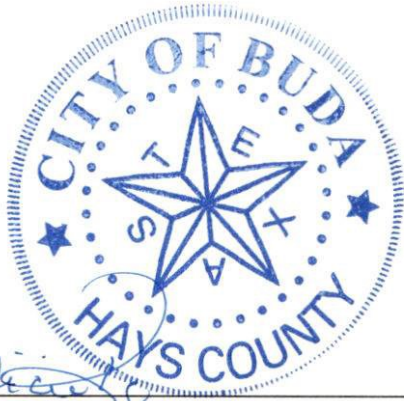
Dance Hall, Night Club, or Large Live Music Venue, Outdoors An establishment located outdoors or partially outdoors offering to the general public facilities for concerts, dancing, and similar entertainment.

Food Processing Establishment Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods that are primarily for on-site sales); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Small Live Music Venue, Indoors Indoor establishment offering to the general public facilities for live music with a maximum capacity of 100 persons.

Small Live Music Venue, Outdoors An establishment located outdoors or partially outdoors offering to the general public facilities for live music with a maximum capacity of 100 persons **and entertainment ends no later than 10:00pm.**

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Buda, on this the 4th day of June, 2024.



CITY OF BUDA, TEXAS

Lee Urbanovsky, Mayor

ATTEST:

Alicia Ramirez, City Clerk

EXHIBIT A

Subsection 2.06.05 Use Chart

2.06.05 Use Chart	AG	R-1	R-2	R-3	R-4	R-5	R-MH	B-1	B-2	B-3	LI	HI	F1	F3	F3H	F4	F4H	F5	F5H	Parking Requirement (spaces : increment)
Non-residential																				
Bar/Tavern (>60% Sales from Alcohol without a TABC Food and Beverage Permit)										P-1225								S-1225	S-1225	Based on use type
Dance Hall, Night Club, or <u>Large Live Music Venue, Indoors</u>								S	S	S					S			S	S	1 : 300
Dance Hall, Night Club, or <u>Large Live Music Venue, Outdoors</u>								S	S	S	S	S				S		S	S	1 : 300 of assembly area
<u>Food Processing Establishment</u>											S	P								<u>Office 1 : 400</u> <u>Warehouse 1 : 1,000</u>
Plumbing or Heating/Cooling Store									P	P							4:400			1 : 400
<u>Small Live Music Venue, Indoors</u>									P-28	P-28	P-28					P-28	S-28	P-28	P-28	1 : 300
<u>Small Live Music Venue, Outdoors</u>									S-28	P-28						S-28	S-28	P-28	S-28	1 : 300 of assembly area

*See section 2.08.02.B Regulating Plans for Form Districts 2-10-10.R Designation of and Development in Historic Overlay (O-H) district or of a Historic Landmark for parking requirements.