

ORDINANCE NO. _____

**ZONING CODE
CITY OF HILL COUNTRY VILLAGE, TEXAS**

**AN ORDINANCE CREATING THE ZONING CODE FOR THE CITY OF HILL
COUNTRY VILLAGE WHICH INCORPORATES, SUPERSEDES AND AMENDS ALL
PRIOR ZONING ORDINANCES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILL COUNTRY
VILLAGE, TEXAS:

1. This ordinance shall be known as the City of Hill Country Village Zoning Code.
2. Ordinance 785 (July 20, 2000), 750 (July 15, 1999), 710 (February 20, 1997), 627 (December 17, 1992) as amended by 426 (April 22, 1988), as amended by 526 (March 15, 1990), 235 (October 23, 1980) and 36 (May 7, 1964) as amended by 153 (December 16, 1976), are hereby superseded, combined and amended to read as follows:

THE ZONING REGULATIONS AND DISTRICTS AS HEREIN ESTABLISHED HAVE BEEN MADE IN ACCORDANCE WITH A COMPREHENSIVE PLAN FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE COMMUNITY. THEY HAVE BEEN DESIGNED TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS OR TRACTS AND OTHER OPEN SPACES AND THE DENSITY OF POPULATION, AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS, AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND TO PROVIDE FOR ITS ENFORCEMENT. THEY HAVE BEEN DESIGNED TO LESSEN AND CONTROL CONGESTION IN THE STREETS, TO SECURE SAFETY FROM FIRE, PANIC, AND OTHER DANGERS, TO PROVIDE ADEQUATE LIGHT AND AIR, TO PREVENT THE OVERCROWDING OF LAND, TO AVOID UNDUE CONCENTRATION OF POPULATION, TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS, PARKS AND OTHER PUBLIC REQUIREMENTS. THEY HAVE BEEN MADE WITH REASONABLE CONSIDERATION, AMONG OTHER THINGS, TO MAINTAINING THE CHARACTER AND ORDERLY DEVELOPMENT OF THE CITY AND THE DISTRICTS ACCORDING TO THEIR PARTICULAR SUITABILITY FOR PARTICULAR USES, AND WITH A VIEW TO CONSERVING THE VALUE OF BUILDINGS AND LAND AND ENCOURAGING THE MOST APPROPRIATE USE OF LAND THROUGHOUT THE COMMUNITY. THIS ORDINANCE IS DECLARED TO BE ESSENTIAL FOR THE PUBLIC'S INTEREST AND WELFARE, AND IT IS INTENDED THAT IT BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES OF A ZONING CODE.

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SECTION 1. APPLICABILITY TO CITY-OWNED AND UTILITY PROPERTIES

The provisions of this ordinance shall not apply to property belonging to or used by the city, and shall not limit the location, construction, maintenance or use of land, buildings, structures or equipment owned by the city. In the erection of buildings or other structures, city owned or franchised utilities shall conform in architectural design and otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected.

SECTION 2. RULES OF CONSTRUCTION

- A. Words, phrases and terms defined herein shall be given the defined meaning.
- B. Words, phrases and terms not defined herein but defined in the building code of the City of Hill Country Village shall be construed as defined in such code.
- C. Words, phrases and terms defined neither herein nor in the building code of the City of Hill Country Village shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- D. The text of the ordinance shall control captions, titles, and maps.
- E. The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.
- F. Words used in the singular include the plural and words used in the plural include the singular.
- G. Words in the present tense include the future tense and words in the future tense include the present tense.

SECTION 3. DEFINITIONS

For the purposes of this ordinance, the following phrases, terms, words and their derivation shall have the meanings given in this section.

Accessory use or building. A subordinate use or building customarily incident to and located on the same lot with the main use or building.

Agriculture. The use of land for farming or breeding livestock, but excluding raising swine or keeping wild or exotic creatures. To be classified as agriculture, the use must occupy a minimum of ten acres. All agricultural buildings and structures must meet the setback requirements of the R-2 District.

Alley. A minor public right-of-way which is not intended to provide the primary means of access to abutting lots but which is used principally for utilities and/or vehicular service access to the back or sides of properties with primary access on a public street.

Animal Clinic. A building which contains the offices, examining rooms and laboratories of a veterinarian treating domestic pets and small animals, but excluding outdoor boarding kennels.

Antique. Anything very old specifically applied to the remains of ancient art, including, but not limited to statues, paintings, vases, cameos, furniture, collectibles and the like.

Specialty Retail Shop. A business that sells directly to consumers goods or services of a distinctive kind or of particular superiority, such as antiques; clothing and accessories; jewelry; health and beauty products; spa or beauty salon services; home furnishings, accents, accessories and décor; fine art and fine art gallery; and paper products.

Restaurants are considered an accessory use permitted by right of use in a Specialty Retail Shop.

Applicant. The legal or beneficial owner, or duly appointed owner's representative, of the land proposed to be included in the application. The holder of an option or contract to purchase, a lessee having a remaining term of not less than four years, or other person having an enforceable proprietary interest in such land, shall be deemed to be an applicant for the purposes of this ordinance.

Art Gallery. An establishment for the display of works of art, including sale of the items exhibited.

Bank. A financial institution, including a bank, savings bank, savings and loan, or other similar institution however designated, which transacts business with its customers in an interior banking lobby. A bank may also include a drive-in bank. An administrative office is one which is solely involved in managing the internal administration of a bank and which does not directly transact any business with the bank's customers.

Basement. That portion of a structure below grade level and enclosed on at least two sides.

Board. The Board of Adjustment of the City of Hill Country Village.

Building. A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, whether for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or other purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering, whether or not permanent in nature.

Building, Public. A building used by any governmental agency for administration or delivery of public services, such as a city hall, fire station, public library or post office.

Carport. A structure with a roof but no sides for the sole purpose of storing motor vehicles with a maximum height of eight feet.

Church. A building designed for public worship, including a separate parsonage and/or a community meeting facility, but excluding a school or community athletic facilities. A church must be located on a lot with a minimum area of four and one-half acres, and it must conform to the setback requirements of the R-2 District.

Clinic, Medical or Dental. A building which contains the offices, examining rooms and laboratories of physicians, dentists, optometrists and their assistants, but not facilities for in-patient care or major surgery. Excluded from this definition are veterinary clinics, communicable disease clinics, and those for alcohol or drug dependent, delinquent, insane or feeble-minded persons.

Commercial Establishment. A business selling goods or services at retail or wholesale, including a specialty retail shop with an office used for administrative purposes. Such an establishment does not include any manufacturing, or processing of goods (other than minor repair services or incidental packaging), and it does not involve any exterior repair or storage of goods, materials or supplies.

Commission. The Zoning Commission of the City of Hill Country Village.

Dwelling, One Family. A single building occupied exclusively by not more than one family.

Dwelling Unit. One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including rooms for living, sleeping, eating, and sanitation.

Extended Family (Blood, Marriage or Adoption). As used herein an extended family includes parents, children, siblings and cousins, grandparents, grandchildren, uncles, aunts, nephews and nieces.

Family. (1) An individual; or (2) two or more persons related by blood, marriage or adoption, living together in a dwelling unit; or (3) a group of not more than three persons who need not be related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in any case exclusive of usual servants.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building, including interior balconies or mezzanines, but excluding stairwells and elevator shafts. All horizontal dimensions are to be measured between the exterior faces of walls, including the walls of roofed porches having more than one wall. The floor area of a building shall not include the floor area of garages or accessory buildings on the same lot, measured in the same manner.

Front of Building. The facade of a building facing a public street. If a residence is on a corner lot, the resident's official postal address is considered to be the front. In non-residential buildings, the front is the side which has a main entrance nearest the adjacent street.

Garage, Private. A building or part thereof accessory to a main building, enclosed on all four sides, and pierced only by windows and customary doors, for parking of motor vehicles and recreational water crafts. No occupation or business for profit may be carried on in a private garage.

Height of Building. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the ceiling of the top story in the case of a flat roof, to the deck line of a mansard roof, or to the average height between the plate and ridge of a gable, hip or gambrel roof.

Junk. Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Junk Vehicle. A vehicle that is self-propelled and does not have lawfully attached to it: an unexpired license plate; or a current, valid motor vehicle inspection certification; and is wrecked, dismantled partially dismantled, or discarded; or inoperable and has remained inoperable for more than 72 consecutive hours, if the vehicle is on public property, or 30 consecutive days, if the vehicle is on private property.

Lot. A tract or parcel of land which has frontage on a public street and has been properly subdivided, platted and recorded.

Massage Therapy. A business wherein massage of the body is performed only by massage therapists licensed by the state.

Museum. A non-profit or profit establishment which is operated as an historical site or as a repository for a collection of natural, scientific or literary curiosities or objects of interest or works of art.

Nursery, Day-Care. A place where organized care is imparted to children under the age of seven years who are not of the same household.

Office, Home. A portion of a dwelling unit, not exceeding 25 percent of its gross floor area, which is incidentally or occasionally used by the dwelling unit's occupant for professional or administrative activities related to the occupant's business, trade or profession, provided that it gives no evidence to an outside observer that the building is not used solely and exclusively as a residence, and provided that it is not out of keeping with the basic character of a quiet residential neighborhood.

Office, Professional or Administrative. A place where (a) professional practitioners perform or deliver professional services (except clinics, as defined elsewhere), or (b) the administration/management of a business is conducted, as opposed to the actual production of goods or services by that business or the display or sale of merchandise or the storage of materials, equipment or supplies.

Office Building. One or more buildings designed and operated as a single unit for lease to one or more tenants as professional or administrative offices, medical and dental clinics and such retail establishments as may be provided as a convenience to the occupants.

Office Suite. A business whose sole purpose is to provide office space to separate professional practitioners who perform or deliver professional services (except clinics, as defined elsewhere) and is characterized by more than one professional operating as a separate business at the location.

Outbuilding. A building in zones R-1 and R-2 customarily incidental to and located on the same lot with the main use building. Such buildings are not for human habitation on either a temporary or permanent basis.

Planned Unit Development. A residential subdivision which includes private streets, landscaped areas and other facilities or amenities, all of which are developed as a unit and owned and maintained as common area property by a mandatory association of the property owners in the subdivision.

Restaurant. Any establishment, however designated, in which the principal business is the sale of food for consumption on the premises, including alcoholic beverages incidental to a meal, but excluding bars or nightclubs.

School. A nonprofit institution for the education of children through the high school level and for adult continuing education, but excluding a trade or technical school.

Servants' Quarters. A dwelling unit for occupancy by domestic servants who are employed on the premises full-time.

Setback. A minimum horizontal space extending across the front or rear or along the side property lines of a lot (as specified) which shall remain open and unoccupied by any building or structure except for fences, flatwork such as sidewalks and driveways, and landscaped buffers. The location of signs shall be governed by the City's sign ordinance.

Sexually-Oriented Business. Includes any of the land uses defined as follows:

1. Adult arcade means any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are designated and maintained to show images to five (5) or fewer persons per machine or device at any

one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

2. Adult bookstore means an adult bookstore, adult novelty store, or adult video store where more than thirty-five (35) percent of its inventory or floor space (that is offered for sale, rental or viewing for any form of consideration to on-premises customers) consists of one or more of the following:
 - (a) Books, magazines, or sound recordings, or printed, visual or audio material of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or
 - (b) Non-contraceptive instruments, devices, toys, or paraphernalia designed for use in connection with specified sexual activities, books, magazines, pamphlets, pictures, drawings, photographs, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which, because of the depiction or description of specified sexual activities in the materials offered for sale, is restricted to adults. Novelty items designed as sight gags, advertised as such and not designed or advertised for sexual activity, are not instruments or devices as defined and regulated herein.
3. Adult entertainment establishment means a nightclub, bar, restaurant “bottle club”, “men’s club”, “gentlemen’s club”, “cabaret” or similar place of business, or portion thereof where live entertainment is provided for patrons, whether or not alcoholic beverages are served which features as a significant portion of the entertainment an emphasis on the exhibition, depiction, or description of specified anatomical areas or specified sexual activities; or a place where entertainment is provided to patrons wherein, because of the nudity or semi-nudity of person(s) employed by or associated with the operation of the business, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.
4. Adult motion picture theater means a business place where one or more films, videos, slides, motion pictures, or similar photographic reproductions are shown that have as a dominant theme, or are distinguished by, an emphasis on the depiction or description of specified sexual activities for observation by patrons or guests, and where admittance to such showings are restricted to adults.
5. Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features employees, volunteer patrons, or independent contractors, who appear nude or semi-nude and/or engage in specified sexual activity, or live performances which are characterized by exposure of specified anatomical areas or engagement in specified sexual activities.
6. Sexual encounter establishment means any business or commercial establishment that, as of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified

sexual activities or the exposure of specified anatomical areas when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexual encounter establishment shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or medical professional, licensed by the state engages in medically approved and recognized therapy or treatment.

7. Nude modeling studio means any place where a person who, for money or any form of consideration, appears in a state of nudity or displays specified anatomical areas, to be observed, sketched, drawn, painted, sculptured, photographed, or otherwise depicted by other persons. This definition shall not include nude modeling by an adult that occurs in conjunction with art classes of a university, college, or any art class supervised by an art instructor paid by an arts school.
8. Nudity attraction establishment means any place of business where nudity or semi-nudity is regularly or routinely advertised as a characteristic of the business or which regularly attracts patrons with nudity or semi-nudity.
9. Specified anatomical areas means the human genitals, crevice of the buttocks, pubic region, anus, and the areola of the post puberty female breast.
10. Specified sexual activity means actual and simulated human genitals in a state of sexual stimulation or arousal, actual or simulated human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, fondling or other erotic touching of human genitals, pubic region, buttock or female breast, and excretory functions as part of or in connection with the above described activity.
11. Nude or nudity or state of nudity means a state of dress which fails to cover the human anus, genitals, pubic region, and the areola of the post puberty female breast.
12. Semi-nude or semi-nudity or state of semi-nudity means a state of dress which fails to fully opaquely cover the crevice of the human buttocks, genitals, pubic region, and the post puberty female breast areola.
13. Negative secondary effects means any one of the following conditions caused by geographic proximity to a sexually oriented business:
 - (a) Depreciation in surrounding property values; and/or
 - (b) Violations of law not limited to but including: indecent exposure, drug use, prostitution, pandering, exposing minors to harmful materials, possession and distribution of obscene materials, possession and distribution of controlled substances, public intoxication, disturbing the peace.

Sign. Any structure, placard, words, lettering, parts of letters, figure, numeral, phrase, sentence, emblem, notice, logo, picture, trade name, trademark, device, design or designation which arranged, intended, designed maintained or used as an advertisement, identification, announcement or direction, including advertising and display devices of any kind, which is

visible from any public street or right-of-way and designed to attract attention. The term “sign” shall not include the flag, pennant insignia or any nation, state, or city nor of any sports club, team or organization, civic or non-profit organization.

Sign, Advertising. A billboard or other sign which directs attention to a business or profession which is conducted, or to a commodity, entertainment or service which is sold or offered, elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Business. A sign which directs attention to a business or profession which is conducted, or to a commodity, entertainment or service which is sold or offered, upon the premises where such sign is located or to which it is affixed.

Sign, Flashing. An illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purposes of this ordinance any revolving, illuminated sign shall be considered a "flashing sign."

Snack & Beverage Shop. Limited to non-alcoholic beverage sales, primarily smoothies, coffee, tea, sodas, ice cream, soft drinks, and incidental sales of snack food which is prepared off site, no stove or stove exhaust, limited consumption on site, and food handling limited to drink preparation. This type of business is also allowed in connection with a Health Food establishment.

Story. That portion of a building included between one floor and the floor or roof next above it. A story with more than one-half of its height below the level of the building grade shall be termed a basement, and it shall not be counted as a story unless the ceiling height exceeds four feet above grade or unless more than 40 percent of its floor area is for living purposes as part of the dwelling unit above.

Street. A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, avenue, lane, boulevard, road, place, drive or otherwise.

Structural Alteration. A change or rearrangement of structural parts of a building or structure, or an enlargement of a building or structure, whether by extending on a side or by increasing in height, or the moving of a building or structure from one location or position to another. A structural alteration does not include maintenance and repairs of existing structures or structural parts.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structure, Attached. An accessory structure having a common wall with the main use structure.

Structure, Completely Enclosed. A structure enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

Structure, Detached. A structure having no common wall with another structure.

Structure, Non-conforming. A structure or part thereof which does not conform to all the regulations of the zoning district in which it is located.

Studio. The working place of an artist, sculptor, musician, photographer or artisan, including a place for lessons in the fine arts but excluding amplified music and further including cheerleading studios, martial arts and ballroom dancing.

Tattoo Studio. A business wherein permanent markings in the skin are made by using a colored substance that is forced into the skin with a needle. Tattoo Studio includes Body Piercing.

Use. The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used or for which it is occupied, maintained, rented or leased.

Use, Non-conforming. A use of a building, structure or land which does not conform to all the regulations of the district in which it is located.

Utility. Any facility, other than an administrative office, of any agency which under public franchise or ownership or certificate of convenience and necessity provides the public with any general public service, such as gas, electricity, water, sewerage, telephone, telegraph, cable television, or any other similar service.

In the event that there is a question as to a permitted use or its definition or any definition, the City Council's decision of such shall be final.

SECTION 4. ADMINISTRATIVE OFFICIAL

A. Applications, Permits and Inspections.

Except as otherwise provided in this ordinance, the City Administrator or his/her designee of the City of Hill Country Village (hereinafter referred to as "Administrator") shall administer and enforce this ordinance, including receiving applications, inspecting premises and issuing building permits and certificates of occupancy. No building permit or certificate of occupancy shall be issued by the Administrator unless the applicant has complied with the provisions of this ordinance.

B. Building Work in Violation of Ordinance.

Whenever any building work is being done contrary to the provisions of this ordinance, the Administrator shall order the work stopped and also revoke the building permit issued, by notice in writing served on any person owning such property, or their agent, or on any person engaged in the doing or causing of such work to be done. Any such person shall forthwith stop and cause to be stopped such work until authorized by the Administrator to recommence and proceed with the work, or until issuance of a building permit in those cases in which the building permit has been revoked. Such stop work order and revocation of permit shall be posted on the work done in violation of this ordinance.

C. Use or Occupancy in Violation of Ordinance.

Whenever any building or structure or portion thereof is being used or occupied contrary to the provisions of this ordinance, the Administrator shall order such use or occupancy discontinued, and the building, structure or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued. Such person shall vacate such building, structure or portion thereof within 10 days after receipt of such notice or make the building, structure or portion thereof comply with the requirements of this ordinance.

SECTION 5. PROHIBITIONS

A. Limitations on Use or Occupancy of Land, Buildings and Structures.

No land shall be used or occupied and no building, structure, property line fence or wall shall be designed, erected, reconstructed, structurally altered, used or occupied for any purpose other than as permitted in the district in which it is located, or except in conformity with all regulations herein established and upon performance of all conditions herein set forth.

B. Limitations on Sales and Rentals of Land, Buildings and Structures.

No person, firm or corporation and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent, lease or offer or attempt to sell, rent, or lease any land, building or structure upon the representation falsely made and known to be false, that such land, building or structure may be used or occupied in a manner or for a use prohibited by this ordinance.

C. Limitations on Height and Area.

No building or structure shall be erected, reconstructed or structurally altered to exceed the height or bulk limits herein established for the district in which such building or structure is located. No tract or lot area shall be reduced or diminished so that the setbacks shall be smaller than prescribed by this ordinance. No setback provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be considered as providing a setback for any other building or structure, and no setback on any adjoining property shall be considered as providing a setback on any lot whereon a building or structure is to be erected. The density of population shall not be increased in any manner except in conformity with the area regulations herein established.

D. Prohibition of More than One Building per Lot.

Every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one building on one lot except private garages, or a carport and as otherwise provided in this ordinance. A special exception may be granted for buildings or structures hereafter erected on land annexed into the City prior to the adoption of this code.

Private garages and carports are permitted in residentially zoned districts as stated in Section 16(B)(4) of this zoning ordinance. Carports are permitted in a commercially zoned district for the sole purpose of parking motor vehicles for employers, employees, tenants, customers of the commercial establishment.

SECTION 6. VIOLATIONS DEFINED

Wherever by the provisions of this ordinance the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension or limitation is imposed on the use or change of use of any land, or on the erection or alteration of any building or structure, or on the use or change of use of any building or structure, or on the uses within such building or structure, a failure to comply with the provisions of this ordinance shall constitute a violation of this ordinance. Every day on which a violation exists shall constitute a separate violation and a separate offense.

SECTION 7. REMEDIES

A. Fines.

Any person who knowingly, intentionally, recklessly, or as a result of criminal negligence as these terms are defined in Article 6.03, Texas Penal Code, violates any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than \$1.00 nor more than \$2,000.00 and each day's violation shall constitute a separate offense.

B. Additional Remedies.

In case any building or structure is erected, constructed or reconstructed, structurally altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the city or any proper person may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, business or use in or upon such premise, including, but not limited to, all remedies provided in Section 211.012 of the Texas Local Government Code. In addition to the remedies enumerated above, the city may recover a civil penalty of \$2,000.00 for each day's violation of this ordinance. The imposition of any penalty hereunder shall not preclude the city or any other proper person from instituting any appropriate action or proceedings to require compliance with provisions of this ordinance and with administrative orders and determinations made hereunder.

SECTION 8. EFFECT OF OTHER ORDINANCES AND REGULATIONS

Wherever higher or more restrictive standards are established by the provisions of any other applicable statute, ordinance or regulation than are established by the provisions of this ordinance, the provisions of such other statute, ordinance or regulation shall govern.

SECTION 9. EFFECT OF PRIVATE COVENANTS

Nothing herein contained shall be construed to render inoperative any restriction by covenants running with the land.

SECTION 10. BUILDING PERMIT REQUIRED

No person shall erect or construct, add to or structurally alter, or proceed with the erection, construction or structural alteration of any building or structure, a property line fence or wall, a swimming pool, a tennis court, or a stable, nor shall they add to, enlarge, move, convert or extend any building or structure or cause the same to be done in any district of the City of Hill Country Village without first applying for and obtaining a building permit therefor from the City Administrator or his/her designated agent. All applications for such permits shall be in accordance with the requirements of this ordinance and all applicable building codes and, unless upon written order by the Board of Adjustment, no building permit or certificate of occupancy shall be issued where the construction, addition, alteration or use thereof would be in violation of such ordinance and codes. Where applicable, no building permit shall be issued without first obtaining a septic tank system permit required by Ordinance No. 136. The fee accompanying all applications for building permits shall be established from time to time by the City Council.

SECTION 11. CERTIFICATES OF OCCUPANCY

A. Certificate Required.

No land shall be used or occupied, and no building or structure shall hereafter be erected, structurally altered, extended, or changed in use, and no change of occupancy shall occur in any business district, until a certificate of occupancy shall have been issued by the City Administrator or his/her designated agent, providing essentially that the building or structure and proposed use thereof complies with all the provisions of this ordinance and other applicable city codes.

B. Fee Required.

The City Administrator or his/her designated agent shall be authorized and directed to receive such fee as may be established from time to time by the City Council for each certificate of occupancy as may be issued.

C. Records and Copies.

The City Administrator or his/her designated agent shall maintain a record of all certificates of occupancy, and copies shall be furnished, upon request, to any person as authorized by law.

D. Change of Occupancy.

Once issued a certificate of occupancy is not a perpetual instrument for the specified business for which issued; should the building be changed, structurally altered, extended, or should a new business use be initiated on the premises, a new and separate certificate of occupancy shall be required. Otherwise, the certificate of occupancy may be assignable on sale of the business or premises or due to devolution under the Texas Inheritance Laws.

SECTION 12. RECONSTRUCTION OF DESTROYED, DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES

A. Damage of 50 Percent or Less.

Nothing in this ordinance shall prevent restoration of a nonconforming building or structure destroyed to the extent of 50 percent or less of its replacement cost by fire, explosion or other casualty, act of God or public enemy, or the continued occupancy or use of such a building or structure or part thereof which lawfully existed at the time of such partial destruction, provided however that non-conforming restoration of any nonconforming building or structure partially destroyed shall be begun within one year and completed within two years of the damages. A nonconforming building or structure damaged to the extent of 50 percent or less of its replacement cost must be reconstructed in conformance with all applicable requirements of the zoning district in which it is located if restoration is not begun within one year and completed within two years of the damages.

B. Damage Greater Than 50 Percent.

Whenever a nonconforming building or structure is damaged in excess of 50 percent of its replacement cost at that time, the repair or reconstruction of such building or structure shall conform to all the regulations of the zoning district in which it is located, and shall be treated as a new building or structure.

SECTION 13. EFFECT ON EXISTING CONDITIONS

A. Legal, Non-conforming Uses.

A legal, nonconforming use is:

1. any use which was lawfully operated in accordance with the provisions of any prior zoning ordinance on the effective date of this Ordinance.
2. any use that on or after the effective date of the Ordinance from which this Code is derived was lawfully operated in accordance with the provisions of said Ordinance, but which use, by reason of amendment to said ordinance, or other governmental action, is not a permitted use in the district in which the use is located.
3. any use of land or buildings and structures located thereon lawfully existing on the date annexation proceedings were instituted to annex such land.

If a legal, nonconforming use is discontinued for one (1) year, any use of such premises thereafter shall be in conformity with the provisions of this Code.

B. Non-conforming Structures.

The lawful use, occupation or operation of any building or structure existing on the effective date of this Ordinance, may be continued although such use, occupation or operation does not conform to the provisions of this ordinance, and such use, occupation or operation may be extended throughout the building or structure, provided no structural alterations, except those required by law or ordinance, or permitted by variance or special exception, are made therein.

SECTION 14. NUISANCES

A. Effect of Other Ordinances.

Nothing in this ordinance shall be construed as repealing any other ordinance of the city regarding nuisances.

B. Nuisance Declared.

The erection, structural alteration or maintenance of any building or structure or the use of any premises in violation of this ordinance or other ordinances relating to the area and district in which such building, structure or premises are located, shall be and is hereby declared to be a public nuisance when such building or structure or use of such premises is such that the building, structure or use constitutes a fire or health nuisance or interferes with the health, quiet, safe and peaceable enjoyment of their homes by citizens living in the vicinity of such building, structure or premises.

SECTION 15. ZONING DISTRICTS

For the purpose of promoting the health, safety, moral and general welfare of the community, the following zoning districts are hereby created effective after the adoption of this ordinance, except that it is not the intent of this Council to elevate prior illegal uses of real property subject to this ordinance or previous zoning ordinances into lawful uses unless specifically rezoned under the provisions hereof.

RESIDENTIAL DISTRICTS:

R-1 One Family District
R-2 One Family District

BUSINESS DISTRICTS:

B-1 Business District
B-2 Business District
B-3 Business District

All applications for the rezoning of property, if approved, shall cause the subject property to be reclassified or changed to one of the districts hereinabove established, and all applicants shall comply with the rules and regulations set forth in this ordinance for the districts herein created.

SECTION 16. ZONING DISTRICT USE REGULATIONS

A. Table of Permitted Uses.

The uses which are permitted in each zoning district are summarized in the following Table of Permitted Uses. Uses which are allowed as of right are designated in the table by "X." Uses which may be allowed by Special Use Permits are designated by "SUP." The intent of this table is only to state the essence of whether or not a particular use is or may be allowed in a particular district. Other regulations governing these uses are contained in other sections of this ordinance.

All uses requiring, Special Use Permits shall only be authorized by city council approval of special use permits. The requirements for special use permits are more fully set out in Section 16 D (1), (2), (3), (4), (5), (6), (7), and (8) of this ordinance. These requirements are cumulative and in addition to other requirements that affect the usage of commercially zoned properties within the corporate limits of the City of Hill Country Village.

It is further required that all commercial establishments selling materials, retail goods, equipment or any other type of chattels, or servicing or repairing of such, shall display and store personal property inside the buildings of such premises.

Temporary sidewalk sales that may include tents no larger than 50 sq. ft. may be allowed with sales duration no more than 3 days per 6-month period. The sales area may not substantially obstruct the parking area.

TABLE OF PERMITTED USES

	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>
Agriculture		X			
One Family Dwelling	X	X			
Servants' Quarters, Extended Family	X	X			
Home Office	X	X			
Residential Planned Unit Development	X	X			

COMMERCIAL ESTABLISHMENTS

	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>
Aerial Survey			X	X	X
Air-conditioning				X	X
Animal Clinic				X	X
Antique Store			X	X	X
Specialty Retail Shop			X		
Appliance Store				X	X
Automobile Parts				X	X
Bakery			X	X	X
Bank, Drive-In Bank, or other financial institution insured by FDIC				X	X
Barber Shop/Beauty Salon			X	X	X
Bicycle, Lawnmower				X	X
Blueprinting and Photostating			X	X	X
Bookstore			X	X	X
Business Machines				X	X
Candy, Nut and Confectionery			X	X	X
Clothing and Accessories			X	X	X
Daycare, Nursery, through and including kindergarten				X	
Drug Store				X	X
Electronic Equipment				X	X

	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>
Fabric Shop			X	X	X
Fine Arts Gallery			X	X	X
Floor Covering				X	X
Florist			X	X	X
Home Furnishings, Décor, Accents, Accessories			X	X	X
Gift Shop			X	X	X
Glass			X	X	X
Hardware			X	X	X
Health Food			X	X	X
Hobby Supply			X	X	X
Interior Decorating			X	X	X
Jewelry			X	X	X
Laboratory, Dental or Medical				X	X
Laundry and/or Dry Cleaning Pickup Station only, (no on-site Processing)				X	X
Leather Goods or Luggage			X	X	X
Locksmith				X	X
Lodges, not to exceed 50 members				X	X
Massage Therapy/Spa			X	X	X
Medical or Dental Clinic				X	X
Museum			X	X	X
Musical Instruments/Sheet Music			X	X	X
Office Building				X	X
Office, Professional or Administrative			X	X	X
Office Suite				X	X
Office Equipment and Supply				X	X
Optical Goods, allow grinding to prescription				X	X
Paint and Wallpaper			X	X	X
Pawn Shop					X
Pet Shop				X	X
Photographic Equipment and Supplies			X	X	X
Picture Framing			X	X	X
Plumbing Fixture			X	X	X
Public School			X	X	X
Sexually Oriented Business					X
Shoe Sales			X	X	X
Sign Shop				X	X
Sporting Goods			X	X	X
Snack & Beverage Shop			X	X	X
Stamps and Coins			X	X	X
Stationary/Paper Products			X	X	X
Studio, see definition			X	X	X
Surgical Supplies				X	X
Tailor Shop			X	X	X

	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>
Tattoo Studio					X
Tennis, Racquetball or Handball Courts – indoor ONLY				X	X
Tobacco Shop			X	X	X
Toys			X	X	
Trophy			X	X	X

SPECIAL USE PERMITS

	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>
Church	SUP	SUP	SUP	SUP	SUP
Restaurant			SUP	SUP	SUP
Private School	SUP	SUP	SUP	SUP	SUP
Public Building	SUP	SUP	SUP	SUP	SUP
Utility	SUP	SUP	SUP	SUP	SUP

1. Additional uses only by Council approval

- a. The Hill Country Village City Council reserves the power to grant additional commercial uses not listed on the commercial table of uses in the city’s comprehensive general zoning ordinance after review and recommendation from the Zoning Commission
- b. In the event the council should authorize such additional commercial uses, it shall require the applicant, owner and/or lessee of such properties to comply with all other present conditions required of commercial uses in the city’s B-1, B-2 B-3 business districts with respect to the properties used for the additional commercial use. Enforcement of these requirements to such uses shall not preclude the applicant, owner and/or lessee from applying for a variance or special exception from the application of such conditions to the city’s board of adjustments.
- c. The city council reserves the power to require applicants, owners and/or lessees for such additional commercial uses to present plans for the location and design of the means of ingress and egress to public streets, off-street parking and loading facilities, sidewalks, drainage, signage, lighting, open spaces, landscaping, fencing, screening of air conditioning units or other forms of protective screening as may be required to protect adjacent and nearby property.
- d. The council may also make recommendations and require measures to limit noise, litter, lighting or other factors which may adversely affect the use, value or desirability of adjacent or nearby property. Such protective measures may include limitations on hours of operation or provisions to ensure continued proper maintenance. No building permits shall be issued by the City Administrator or his/her authorized agent until compliance is confirmed.

2. Certificate of Occupancy.

Each business establishment shall have a Certificate of Occupancy to occupy the buildings or structures from which business is conducted, unless the business qualifies for and obtains a Tenant Occupancy Permit. An Office, Professional or Administrative, must obtain a Certificate of Occupancy. A business establishment may have one or more permitted use(s). Each permitted use must be listed on the Certificate of Occupancy. Application for the initial or an additional use requires the issuance of a new Certificate of Occupancy as well as payment of applicable fees as set by City Council. A Certificate of Occupancy may be transferred to a purchaser or lessee of the business if the use of the buildings or structures remains substantially the same, but such transfer must be recorded with the City.

3. Tenant Occupancy Permit.

Each specialty retail shop located in a B-1 zoning district that leases the buildings or structures from which business is conducted from a lessor that operates an Office, Administrative, and possesses a Certificate of Occupancy in the B-1 zoning district, may obtain a Tenant Occupancy Permit. Each permitted use must be listed on the Tenant Occupancy Permit. Application for the initial or an additional use requires the issuance of a new Tenant Occupancy Permit as well as payment of applicable fees as set by City Council. A Tenant Occupancy Permit may be transferred to a purchaser or sublessee of the business if the use of the structures and buildings remains substantially the same, but such transfer must be recorded with the City.

B. Residential District Use Regulations.

In the R-1 and R-2 One Family Districts, no structure, building or land shall be used, and no building or structure shall hereafter be erected or structurally altered, which is arranged or designed to be used for other than one or more of the uses specified in the Table of Permitted Uses and in accordance with the following provisions.

(1) Minimum Lot Size

The minimum lot size shall be no less than two acres in the R-1 District, and no less than four and one-half acres in the R-2 District.

(2) Dwelling Unit Design

Every dwelling unit shall be a single, detached one family Dwelling, not less than 1,800 square feet in gross floor area, and not more than two stories or 30 feet in height.

(3) Servants' or Extended Family Quarters

(a) Servants' quarters may not exceed 1,000 square feet in gross floor area, and may not be rented to anyone except domestic servants who are employed on the property full-time. Extended family quarters are not to exceed 1,000 sq. ft. and are permitted for family use only; these quarters are not to be used for rentals.

(b) In the R-1 District, a separate building for servants' or extended family quarters shall not be permitted, but servants' or extended family quarters may be attached to the main dwelling unit.

(c) In the R-2 District, servants' or extended family quarters may be a separate building and they may be on one level above a garage, but such building may not exceed 30 feet in height. In any

case, the architectural character of the servants' or extended family quarters shall be compatible with that of the main Dwelling unit on the same lot.

(4) Other Accessory Buildings

A dwelling may also include the customary outbuildings: 1 barn, pool cabana not suitable for habitation, tool storage, workshop or studio area without plumbing, along with private garages and/or a carport to accommodate as many as five vehicles in the R-1 residential district and seven Vehicles in the R-2 residential district.

(5) Setbacks

(a) In the R-1 District, the front setback area shall be 50 feet. No structure or building including but not limited to dwelling, garage, outbuilding, swimming pool, tennis court, stables, or riding ring shall be constructed less than 50 feet back from any public street easement line or less than 25 feet from the rear or side property line; provided, however, fences, flatwork such as sidewalks and driveways, and landscaped buffers may be constructed within the setback area.

(b) In the R-2 District, the front setback area shall be 100 feet. No structure or building, including but not limited to dwelling, garage, outbuilding, swimming pool, tennis court, stables or riding ring shall be constructed less than 100 feet from any public street easement line or less than 50 feet from the rear or side property line; provided, however fences, flatwork such as sidewalks and driveways, and landscaped buffers may be constructed within the setback area.

(c) If any of the present improvements on any residence in a residential district are closer to the property lines than the minimum front, side or rear setback requirements, then any structural alteration to such improvements shall be constructed so as to conform to the minimum setback requirements as provided for herein. If any residence in a residential district is situated farther from the property lines than the minimum setback requirements, then any garage, servants' quarters, outbuilding, swimming pool, tennis court, stables or riding ring shall be constructed so as not to extend in front of the front line of said residence facing any public street.

(d) Television satellite dishes shall be situated to the rear of the residence. Driveway gates shall be set back a minimum of eight feet inside the property line. In the R-1 District, liquid petroleum gas tanks shall be at least 25 feet from the side and rear property lines and to the rear of the residence. In the R-2 District, such tanks shall be at least 50 feet from the side and rear property lines and to the rear of the residence.

(6) Swimming Pool or Pond Drainage

No owners of any swimming pool or pond, their agents, servants, or employees shall create a nuisance by draining, or permitting or allowing any drainage from a swimming pool or pond to any adjacent private or public property or onto a public roadway posing a possible traffic hazard.

(7) Parking

Motor homes, mobile homes, recreational vehicles, trailers, or boats shall be parked only to the rear of a residence or rear of the front line of the residence if visually obscured from the street or in a garage or carport, and not in the side and rear setback areas, provided, however, they may be parked anywhere upon the property for a period of not more than 72 consecutive hours.

(8) Animals

Commercial breeding or feeding of animals, birds, poultry, fish or reptiles or the keeping of wild or exotic creatures is prohibited. The operation of a commercial dairy, dog boarding kennel or veterinary hospital, or the operation of a commercial livery or boarding stable for horses, a riding academy, or rodeo or roping arena is also prohibited. This restriction shall not be construed to prohibit the keeping of a reasonable number of domestic animals for family enjoyment, but where such domestic animals are kept, the premises shall be maintained in a clean condition and in a manner to avoid the breeding of flies and giving off of noxious odors.

(9) Home Offices

No retail trade, manufacturing, repair work, or construction, shall be conducted in a home office. No stock in trade shall be kept or sold on the premises, and no equipment or materials shall be stored outside the dwelling. No business shall be conducted in a home office which would regularly cause clients or customers to come to the premises nor shall the owner of such business employ any persons for such business who is not a resident of the dwelling or related to the resident by blood, marriage or adoption. No continuous activity shall be permitted in a home office which would produce noise, odors, fumes, vibration, dust or electronic interference outside the premises, or which would cause the dwelling to be ineligible for normal residential water, electric and garbage collection rates. No nameplate, sign or exterior display shall be permitted. The entrance to the home office shall be within the dwelling, and no construction features which are not customarily found in a dwelling shall be permitted.

(10) Temporary Residences

No person shall at any time use as a residence, temporarily or permanently, a trailer, motor home, manufactured home, mobile home, basement, tent, shack, garage, barn or other outbuilding. Temporary use of such residences may be authorized through the Board of Adjustment provided the Board of Adjustment establishes a time limit for the use not to exceed 12 months.

(11) Signs

No advertising sign or business sign of any character shall be permitted in a residential district, except temporary real estate, political and public interest signs as regulated by the sign ordinance and state law.

(12) Open Space Requirements

All structures on residentially zoned lots, including those uses permitted by special use permit, shall not exceed 30% of the entire ground level area of an R-1 zoned lot and 20% of the entire ground level area of an R-2 zoned lot. For example, but not limited to following:

- (1) A house, garage and/or carport;
- (2) A driveway, motor court or parking area;
- (3) Courtyards, terraces and greenhouses;
- (4) Swimming pools and pool houses;
- (5) Tennis or sport courts;
- (6) Stables, barns and outbuildings; and,
- (7) Servants' or Extended Family quarters

C. B-1, B-2 and B-3 Business District Use Regulations

In the B-1, B-2, and B-3 Business Districts, no structure, building or land shall be used, and no building or structure shall hereafter be erected or structurally altered, which is arranged or designed to be used for other than the uses specified in the Table of Permitted Uses and in accordance with the following provisions, except for legal, nonconforming uses and buildings and structures.

(1) Signs

All signs shall conform to the applicable provisions of the city's sign ordinance.

(2) Height Limit

No building or structure hereafter erected or structurally altered shall exceed either two stories or 30 feet in height.

(3) Setbacks for Nonresidential Buildings

(a) Every nonresidential building in a business zoning district shall have a front yard setback of not less than 50 feet, if the abutting property on either side (not separated by a public street or alley) is the side of a lot in a residential zoning district. If the abutting property on both sides of the subject lot is some combination of a public street or alley, another lot in a business zoning district, or the rear of a lot in a residential zoning district, then the front yard setback shall be not less than 35 feet.

(b) Every nonresidential building in a business zoning district shall have a side yard setback of not less than 25 feet, if the abutting property on either side (not separated by a public street or alley) is in a residential zoning district. If the abutting property on both sides is also in a business zoning district or a public street or alley, the side yard setback shall be not less than 12 feet.

(c) Every nonresidential building in a business zoning district shall have a rear yard setback of 25 feet.

(d) All equipment and/or merchandise offered for sale or lease shall be stored in a building or screened area not visible from any bordering public street except for car rentals.

(e) A special exception to nonresidential setback requirements may be granted for buildings or structures erected on the footprint of buildings or structures that exist on land annexed into the city subsequent to the adoption of this code.

(4) Off-Street Parking and Loading

1. General.

The provision for and maintenance of off-street parking facilities shall be the responsibility of the owner of the use, structure and/or land on which is located the use for which off-street parking facilities are required. It shall further be the responsibility of such owners of such uses to provide parking spaces or a parking area for the exclusive use of vehicles transporting

temporarily or permanently disabled persons as defined in Chapter 681 of the Texas Transportation Code.

(a) *Dimensions.* Off-street parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length, exclusive of access or maneuvering area, ramps and other appurtenances and except as provided in subsection (b).

(b) *Compact vehicles.* Up to thirty (30) percent of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of eight (8) feet in width and sixteen (16) feet in length. Compact vehicle parking areas shall be identified by either of the following methods:

Posting signs a minimum of eighteen (18) by twenty-four (24) inches in size at each end of the designated parking area; or Individually marking each parking space surface with lettering a minimum of six (6) inches in size.

(c) *Aisle width.* The minimum width of access aisles internal to a parking lot or structure shall be as follows:

Minimum Aisle Width (Feet)

Parking angle	One-Way Operation	Two-Way Operation
30°	12	19
45°	12	19
60°	16	20
75°	22	22
90°	25	25

(d) *Location.* Except as otherwise permitted under a cooperative parking plan, off-street parking facilities shall be located on the lot(s) on which the use or structure for which they are provided is located.

(e) *Turnarounds.* All parking areas containing three (3) or more parking spaces shall include a turnaround which is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way.

2. Construction and Maintenance of Parking Facilities.

Off-street parking facilities shall be constructed, maintained and operated in accordance with the following specifications:

(a) *Drainage and surfacing.* Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris.

(b) *Wheel guards.* Boundary or perimeter areas shall be provided with wheel guards or bumper guards, so located that no part of parked vehicles will extend beyond the property line of the parking area.

(c) *Protective screen fencing.* Areas shall be provided with protective screen fencing so that occupants of adjacent structures are not unreasonably disturbed by the movement of vehicles either during the day or night. If a fence with partial ornamentation is constructed the ornamental side of the fence must face the residential property.

(d) *Lighting.* Facilities shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic. Building lighting shall be directed away from neighboring residential structures. Lighting fixtures' lamps shall be shielded to focus light on business area only.

(e) *Entrances and exits.* Facilities shall be provided with entrances and exits so located as to minimize traffic congestion. Except for vehicles entering or exiting businesses located in a B-1 zoning district, all vehicles entering or exiting into and from commercially zoned properties shall have access from the frontage roads to U. S. Highway 281 North and under no circumstances shall such vehicles enter or exit into such commercially zoned properties from any interior streets fronting residentially zoned properties.

(f) *Prohibition of other uses.* Facilities shall not be used for the sale, repair, dismantling, or servicing of any vehicle, equipment, materials, or supplies.

3. Sharing Off-Street Parking Facilities.

Pursuant to the following procedure, either part of all of the required off-street parking facilities may be located on a site other than the one occupied by the use or structure requiring such facilities.

(a) *Cooperative parking plan.* Two (2) or more users may share the same off-street parking facilities and each user may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all such users are such that none of the users sharing the facilities require the off-street parking facilities at the same time. This arrangement for sharing of off-street parking facilities shall be known as a cooperative parking plan.

(b) *Application for approval of cooperative parking plan.* An application for approval of a cooperative parking plan shall be filed with the City Administrator or his/her designated agent by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land and structures. Sufficient evidence to establish the status of applicants as owners of parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing in common.

(c) *Registration of cooperative parking plan.* The application shall be reviewed for approval or disapproval by the City Administrator or his/her designated agent with the advice of the city engineer. Upon approval, a copy of the plan shall be registered among the records of the City Administrator or his/her designated agent and shall thereafter be binding upon the applicants,

their heirs, successors and assigns. The registration shall limit and control the issuance and validity of permits and certifications and shall restrict, limit, and control the use and operation of all land and structures included within such cooperative parking plan.

(d) Amendment or withdrawal of cooperative parking plan. Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this chapter.

D. Minimum requirements.

(a) The minimum requirements for off-street parking facilities in the B-1, B-2, and B-3 business districts shall be governed by the table in following section, except for legal, nonconforming uses and structures and buildings. The classification of uses enumerated in the table are general and are intended to include all similar uses. Where a classification of uses is not determinable from the table, the city engineer, after consulting with the city's City Administrator or his/her designated agent, shall fix the classification.

(b) Where any requirement for five (5) or more parking spaces results in a fractional unit, a fraction of one-half (1/2) or more shall be considered a whole unit and a fraction less than one-half (1/2) shall be disregarded. In those cases in which less than five (5) spaces are required, a full parking space shall be required to fulfill a fractional space requirement.

TABLE OF OFF-STREET PARKING REQUIREMENTS.

Uses	Parking Requirements
Professional offices and studios and office suite, administrative and professional.	One space per 300 sq.ft. of gross floor area
General business, retail, clinics, personal service establishment, specialty retail shops	One space per 200 sq.ft. of gross retail/sales service area and one space per 800 sq. ft. gross storage, processing and/or display area, or one space per 400 sq. ft. of combined retail sales/service area and display area
Recreational indoor facilities	One space per 100 sq.ft. of gross area
Restaurants, cafeterias, delicatessens, and other food serving establishments, except drive-in establishments	One space per 100 sq.ft. of gross area
Automotive, nursery, and Affiliated activities	One space per 200 sq.ft. of gross retail sales/service floor area, and one space per 800 sq.ft. of enclosed storage and/or display area, and one space per 200 sq.ft. of open sales/storage/display area
Churches	One space per four (4) seats, or (a) one space per 200 sq. ft. of indoor recreational area

	exceeding 20,000 sq.ft. and (b) one space per 100 sq. ft. of associated indoor use, which ever is greater.
Child-care facilities	One space per ten (10) children and one space per office
Elementary or primary school	Two (2) spaces per classroom and two (2) spaces per office
Middle or Junior school	Three (3) spaces per classroom and two (2) spaces per office
Senior or Secondary school	Six (6) spaces per classroom and six (6) spaces per office
College	Ten (10) spaces per classroom and ten (10) spaces per office

(5) Off-Street Truck Loading Requirements.

(a) *When required.* Truck loading facilities shall be required for the B-2 business district for structures containing uses devoted to businesses, offices, professional buildings, and any other buildings of a commercial nature.

(b) *When applicable.* No structure shall be designed, erected, altered, used, or occupied unless the off-street truck loading facilities herein required are provided. In the event that structures are enlarged, expanded, or changed, the structure shall not be used, occupied, or operated unless there is provided at least the amount of off-street truck loading facilities that would be required if the increment were a separate structure.

(c) *Responsibility.* The provision for and maintenance of the off- street truck loading facilities shall be the joint and several responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.

(d) *Location.* Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located; provided, however, that facilities provided under cooperative arrangement as hereinafter permitted may be located on another site not more than three hundred (300) feet from the structure for which they are provided.

E. Construction and Maintenance. Off-street truck facilities shall be constructed, maintained and operated in accordance with the following specifications.

(a) *Drainage and surfacing.* Areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt, and maintained in good condition free of weeds, dust, trash, and debris.

(b) *Protective screen fencing.* Areas shall be provided with protective screen fencing such that occupants of adjacent structures are not unreasonably disturbed by the movement of vehicles

either during the day or night. If a fence with partial ornamentation is constructed the ornamental side of the fence must face the residential property.

(c) *Lighting.* Lighting facilities shall be so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic. Building lighting shall be directed away from neighboring residential structures. Lighting fixtures' lamps shall be shielded to focus light on business areas only.

(d) *Entrances and exits.* Areas shall be provided with entrances and exits so located as to minimize traffic congestion.

(e) *Minimum requirements; area.* The following minimum truck loading spaces shall be provided in all districts for structures containing the uses enumerated above in the commercial district.

Minimum Truck Loading Spaces

Square Feet of Gross Floor Area in Structure	Required No. of Spaces
0 up to and including 12,500	1
12,501 up to and including 25,000	2
25,001 up to and including 40,000	3

(f) *Waiver.* The city council is authorized to waive the off-street loading requirements for structures that are required to provide and maintain fewer than five (5) off-street parking spaces, or any other structure if the design and the proposed use of the structure shows no need for off-street loading.

(6) Buffering of Adjacent Residences

Except for corner lots and legal, nonconforming uses, structures and buildings, all lots in a business zoning district abutting another lot in a residential zoning district (whether or not separated by a public street or alley), shall meet the following buffering requirements:

(a) *General.* A bufferyard consisting of an open space of grass and other landscaping and a masonry wall in combination with design features that screen or block vision, noise pollutants, and other negative by-products shall be provided and maintained along the entire length of the perimeter between any residential districts zoned R-1 or R-2 and other nonresidential districts. The masonry wall or fence shall be maintained and be structurally sound and not permitted to fall into disrepair.

(b) *Buffering for Commercial Properties that Abut Residential Properties in Hill Country Estates, Unit IV.* It is recognized that Bexar Metropolitan Water District has an easement four (4) feet wide to accommodate the previous construction of a 48 inch water main which serves water to the cities of Hill Country Village, Hollywood Park and Stone Oak Subdivision. This line is buried in depths of anywhere from four and a half (4-1/2) feet to seventeen (17) feet in depth. It is recognized that it would be impractical to require a masonry wall as part of the buffering process wherever this water line embraces the boundaries of both residential and commercial

properties zoned B-2 in Hill Country Estates, Unit IV. Any commercially zoned property in Hill Country Estates, Unit IV which abuts a residentially zoned lot shall, however, require a six (6') foot wooden, privacy fence with metal or masonry posts. The fence or wall shall be maintained and be structurally sound and not permitted to fall into disrepair.

(c) *Restrictions on the use of bufferyards and building setbacks.* This area is intended to serve as a buffer between potentially incompatible uses. Structures are not permitted to be located in this area, nor can such area be used for signage, garbage collection, any type of storage, or any nonresidential activity. Passenger car parking, automobile and truck access, and the loading/unloading of goods during daylight hours may be permitted subject to the landscaping requirements hereafter set out.

(d) *Buffer.* A landscape buffer strip at least fifteen (15) feet wide shall be provided within the setback abutting the residential property or the intervening public street or alley.

(e) *Landscaping requirements.* The bufferyard shall be sodded with turf grass or ground cover that will provide the appearance of a finished planting. A minimum of one (1) large canopy tree of at least twelve (12) feet in height and two and one half (2-1/2) inches in caliper measured at a distance of twelve (12) inches above the top of the root ball at time of planting shall be required for each twenty (20) lineal feet of bufferyard. The landscaping in the bufferyard shall be protected from vehicular encroachment by curbs, railroad ties, concrete retainers or other permanent barriers.

Without being exclusive the following is a list of trees that may be utilized for this purpose:

SHADE TREES

Pecan (<i>Carya illinoensis</i>)	Chinkapin oak (<i>Q. muhlenbergii</i>)
Fantex ash (<i>Fraxinus berlandierina</i>)	Monterrey oak (<i>Q. polymorpha</i>)
Osage orange (<i>Maclura pomifera</i>)	Post oak (<i>Q. stellata</i>)
Chinese pistache (<i>Pistacia chinensis</i>)	Texas red oak (<i>Q. texana</i>)
Live oak (<i>Quercus fusiformis</i>)	W. soapberry (<i>Sapindus drummondii</i>)
Chisos red oak (<i>Q. gravesii</i>)	Bald cypress (<i>Taxodium distichum</i>)
Lacey oak (<i>Q. laceyi</i>)	Montezuma cypress (<i>T. mucronatum</i>)
Bur oak (<i>Q. macrocarpa</i>)	Cedar elm (<i>Ulmus crassifolia</i>)
Crepe myrtle (<i>Lagerstroemia indica</i>)	Chinese elm (<i>U. parvifolia</i>)

CONIFERS

The following conifers are also acceptable for this purpose:

Afghan pine (<i>Pinus eldarica</i>)	Japanese black pine (<i>Pinus thumbergiana</i>)
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(f) *Irrigation requirements.* All bufferyards required under this ordinance must be irrigated by an underground automatic irrigation system. Provided, however, that, when the total area of the bufferyard is less than one thousand (1,000) square feet, an irrigation system shall not be

required if there is a working water faucet located at least one hundred (100) feet from every part of the bufferyard.

(g) *Screening requirements.* If the residentially zoned property is less than six (6) feet above the grade of the adjacent abutting property, other than those properties situated in Hill Country Estates Unit IV, the owner, developer or tenant of such commercially zoned property and use shall erect and maintain a solid masonry wall at least six (6) feet above the grade of the adjacent abutting property along the entire abutting property line except for visibility triangles. In the event the commercially zoned property does not coincide with the property lines of the residential property then such masonry wall shall be required only to the extent of the limits of the commercially zoned property. The masonry wall shall be maintained and be structurally sound and not permitted to fall into disrepair.

(h) *Permit requirements.* In order to determine compliance with this ordinance, an application for a building permit for property that abuts a single family R-1 or R-2 district shall include a landscaping plan with a planting schedule.

(i) *Exemptions.* This ordinance shall not apply to remodeling work that does not increase the existing floor area nor to the restoration of a building that has been involuntarily damaged or destroyed.

(j) *Installation and maintenance.* The owner shall be responsible for installing and maintaining all masonry walls, wooden fences and landscaping in a healthy, neat, orderly and physically sound condition and replacing it when deemed necessary by the City Administrator or his/her designated agent.

(k) *Bonus provisions.* The minimum building setback in the rear yards of commercially zoned properties twenty five (25) feet can be reduced by five (5) feet in business district B-2 provided that a minimum ten (10) foot landscaped front yard is provided on the site in accordance with the standards specified in this ordinance.

(l) *Dumpsters.* Dumpsters shall be located on a concrete pad enclosed on three sides by a solid masonry wall with solid gates across the front. This wall shall be at least six (6) feet in height, and at least two (2) feet higher than the top of the dumpster. The style and finish of the wall and gates shall be drawn and approved by the City.

(m) *Outside Lighting.* Exterior light fixtures shall be directed away from neighboring residential structures and shall be shielded to focus light on business areas only.

(n) *Amplification of Sound.* No sound amplification shall be permitted outside a building.

(o) All heating and air conditioning units located outside or on top of a structure shall be screened from view from the adjacent property.

(7) Health and Safety Regulations

(a) The owner of any site, tract or lot shall at all times keep the premises, building, improvements and appurtenances in a safe, clean, wholesome condition and comply with the health, fire and police regulations and requirements of the City of Hill Country Village; and the owner will remove at his or its own expense any waste of any character whatsoever which may accumulate on such site, tract or lot. No continuous activities shall be permitted in any district which would produce noise, odors, fumes, vibration, dust, electronic interference or violation of any laws, ordinances, statutes, codes, rules, regulations, orders and decrees of the United States, the State of Texas, Bexar County, the City of Hill Country Village or any other political subdivision which has the power and authority to promulgate such decrees with respect to the use of properties within the City of Hill Country Village, including, but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601, et seq.) ("CERCLA") as amended from time to time and regulations promulgated thereunder; the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901, et seq.) as amended from time to time and regulations promulgated thereunder and any applicable Texas environmental statutes or regulations promulgated thereunder.

(b) Live or recorded outdoor music is prohibited in an outdoor patio or a partially enclosed area and that live or recorded music be confined to fully enclosed indoor areas. This shall apply in B-1, B-2, and B-3 zones.

D. Special Use Permits.

(1) Requirements and Safeguards.

A Special Use Permit may contain such requirements and safeguards as the Council considers necessary to insure that the granting of the permit will not adversely affect the character and appropriate use of other land in the area in which it is proposed to be located, that it will not reduce the value of adjacent and nearby properties for the uses allowed on them in accordance with the regulations of the zoning district in which they are located, that it will be in keeping with the spirit and intent of this ordinance, that it will not adversely affect the implementation of the approved Master Plan, that it will comply with the applicable requirements of the district in which it is proposed to be located, and that it will not adversely affect traffic, public health, public utilities, public safety, or the general welfare and character of the city. Before issuing a Special Use Permit, the Council shall provide public notice as required for a zoning change, hold a public hearing, and consider the recommendations of the Zoning Commission on the requirements and safeguards which should be incorporated into the permit.

(2) Application for Special Use Permit.

An application for a Special Use Permit shall be submitted to the City Administrator or his/her designated agent in the form required, and accompanied by the application fee established by City Council. The application shall be accompanied by a site plan drawn to scale and showing all of the following items:

1. the general arrangement of the project, including the location of the adjacent properties and structures, together with the locations of all proposed buildings and structures and the proposed uses to be permitted;

2. the means of ingress and egress to public streets;
3. the layout of interior traffic circulation patterns and off-street parking and loading facilities;
4. the design of proposed landscaping, plans for visual screening and/or fencing to be installed to buffer the use from all adjoining and nearby property, streets where deemed necessary;
5. the location and use of all existing buildings within 200 feet of the subject property;
6. the existing zoning district classifications of all property within 200 feet of the subject property;
7. the limit of the 100 year flood plain, and calculations and drawings by a registered professional engineer sufficient to determine the impact of the proposal on the on-site and off-site drainage.

The City Administrator or his/her designated agent shall then review the application for completeness, and, when complete, refer it to the City Engineer for a report and recommendations within a reasonable time on the requirements and safeguards which should be incorporated into the proposed permit. Upon receipt of the report and recommendations of the City Engineer, the City Administrator or his/her designated agent shall then transmit the application and all supporting documentation to the Zoning Commission and issue public notice of the Zoning Commission hearing as required by this ordinance for a zoning change.

(3) Criteria and Conditions.

In recommending that a Special Use Permit be granted, the Zoning Commission shall determine that the proposed use will be harmonious with existing buildings, structures and uses on abutting and nearby properties in the vicinity of the subject property. The Commission shall make recommendations as to the location and design of the means of ingress and egress to public streets, interior traffic circulation patterns, off-street parking and loading facilities, sidewalks, drainage, signage, lighting, open spaces, landscaping, fencing or other forms of protective screening as may be required to protect adjacent and nearby property. The Commission may also make recommendations on measures required to limit noise, litter, lighting or other factors which may adversely affect the use, value or desirability of adjacent or nearby property in the uses allowed by this ordinance. Such protective measures may include limitations on hours of operation or provisions to insure continued proper maintenance. The applicant must comply with the restrictions of the Special Use Permit. The City Attorney is authorized to enforce the restrictions pursuant to City Council determination.

(4) Amended Permits.

After a lot is developed under a Special Use Permit, a new Special Use Permit shall be required before any of the following actions:

1. Addition or removal of any building, structure, fencing or required buffering;
2. Exterior structural alteration of any building or structure on the lot;
3. Change in the location or design of ingress and egress to a public street or alley;
4. Change in extent, location or arrangement of interior traffic circulation patterns or off-street parking or loading facilities;
5. Change in landscaping, fencing or buffering of adjacent properties;

6. Change in site drainage;
7. Routine exterior maintenance, painting and repair may be approved by the Administrator.
8. Interior structural alterations, routine exterior maintenance including painting and repair may be approved by the Administrator or his/her designated agent.

(5) Special Use Considered Amendment.

Every Special Use Permit granted under the provisions of this ordinance shall be considered as an amendment to the ordinance as applicable to the subject property. Each such permit shall be numbered sequentially, and a copy shall be filed by the City Administrator or his/her designated agent together with the original zoning ordinance and map. In granting a Special Use Permit, the City Council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued for the use of buildings or structure on the property pursuant to the permit. Such conditions shall not be construed as conditions precedent to the granting of such permit or the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

(6) Previously Approved Planned Unit Developments.

Ordinance No. 275 shall be construed as the Special Use Permit for Hill Country Oaks Subdivision Planned Unit Development.

(7) Time Limit.

A Special Use Permit shall lapse and be of no effect if a building permit is not applied for and the designated work begun within one year from the time of the granting of the Special Use Permit, or if the designated work is not completed within two years from that time. The City Council may authorize one extension of either time limit by up to one additional year, upon application by the owner prior to the original expiration date, provided that the total time to completion may not exceed three years from the time of the granting of the Special Use Permit. The fee for such an application for the extension of time shall be the same as the fee for a hearing on a Special Use Permit before the City Council.

(8) Board of Adjustment Without Jurisdiction.

The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any determination or decision with respect to the granting, extension, revocation, modification, or any other action taken relating to a Special Use Permit.

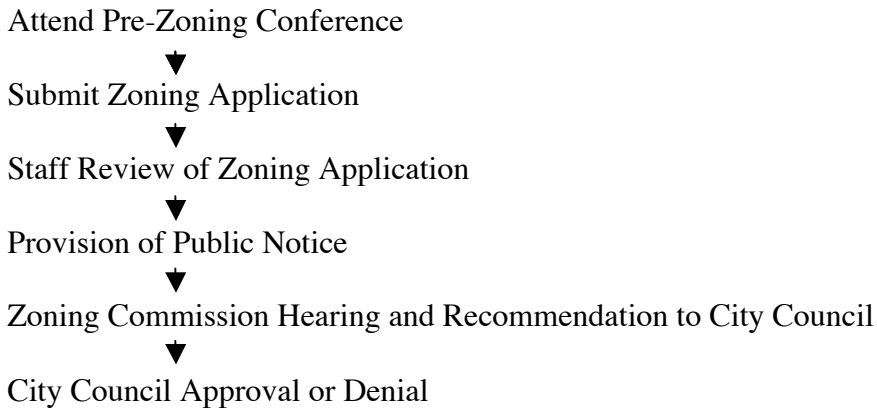
E. Underground Storage Tanks.

New underground storage tanks shall not be permitted in any district. Existing underground tanks shall be monitored as required by appropriate federal and state authorities. Such tanks which are abandoned shall be removed and disposed of at the owner's expense as required by the regulations of the Texas Commission on Environmental Quality.

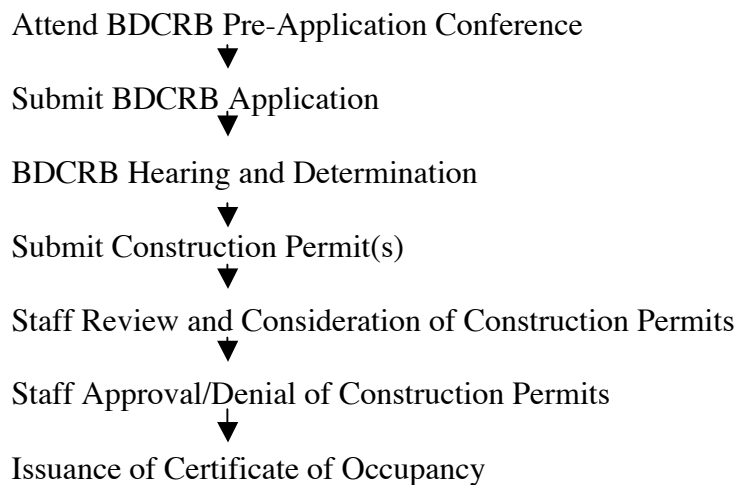
F. Construction, Zoning, and SUP Review Process

The following rules apply to the B-1, B-2, and B-3 district properties that intend to construct, alter by more than fifty (50) percent the exterior of an existing structure, or alter by more than 50% the façade of an existing structure or change in Zoning classification.

1. Stages of the Zoning Review Process (includes SUP)



2. Construction Review Process



3. Pre-Application Conference

- a. Prior to filing a construction/zoning/SUP, an applicant should attend a pre-application conference with the City Administrator or his/her designated agent to determine compliance with the applicable codes and ordinances and to obtain guidance for preparing the application.
- b. During the pre-application conference, the City Administrator or his/her designated agent will explain the procedural requirements, explain the public notice requirements, provide the applicant with an application package, and establish the applicable fees. The applicant may request during the pre-application conference that the City Administrator schedule a work session with the Zoning Commission or BDCRB prior to submission of an application.
- c. A sexually oriented business, if notified of deficiencies as provided in b. above, shall have the right to either appeal the decision of the City Administrator or his/her

designated agent to the Board of Adjustment or to a court having jurisdiction of the subject matter within twenty (20) days of receipt of the City Administrator or his/her designated agent's letter noting deficiencies. After said twenty (20) days the decision of the City Administrator or his/her designated agent is final.

4. Submission of Construction/Zoning/SUP application and scheduling of Zoning Commission, if applicable.

- a. An application and appropriate fee shall be submitted to the Administrator with all pertinent documentation and relevant information as identified in the pre-application conference.
- b. Following receipt of the application, the City Administrator or his/her designated agent shall complete a preliminary review of the application to determine whether or not the application is complete and whether the application complies with the requirements of the construction code or Zoning district. If the City Administrator or his/her designated agent determines the application is complete, the applicant is notified and assigned an agenda date (for Zoning/SUP). If it is determined that the application is incomplete, a written notice shall be sent to the applicant identifying the deficiencies. No further action will be taken until the deficiencies are remedied. If the review for construction permit(s) is complete, the City Administrator or his/her designated agent shall issue the permit(s) and, upon completion, a Certificate of Occupancy.

5. Public Notice

Public Notice of a hearing for an application of Zoning/SUP shall follow the provision located in this document and by applicable state law.

6. Review of Zoning/SUP Application and Referral

An application shall be thoroughly reviewed by the City Administrator or his/her designated agent to determine whether it conforms to the requirements of the Zoning Code. The application may, as necessary, be referred to any public utility, or any other agency or organization deemed appropriate, to complete the review (i.e. Bexar Metropolitan Water District). A written report summarizing any reviewing agency comments, public comments, and staff comments shall be completed by the City Administrator or his/her designated agent and distributed to the reviewing body and the applicant. The City Administrator shall complete the review herein required within thirty (30) days of receiving the application.

7. Zoning Commission meeting/recommendation to City Council

The Zoning Commission shall review the data provided by the applicant, review the findings, and recommendation of the City Administrator or his/her designated agent, and receive comment from all interested persons in attendance. Thereafter the Zoning Commission shall recommend to the City Council that the application be approved or denied, or if deemed appropriate by the Zoning Commission, the Commission may table or continue action on an application to its next meeting.

8. City Council approval or denial

Following the Zoning Commission's recommendation for approval or denial of an application, the City Council, after proper notice, shall consider the application. The City Council, taking into consideration the findings and recommendations of the Zoning Commission and the comments of interested persons, shall approve or deny the application. The City Council shall be the final decision-making body on an application. The decision of the City Council shall be recorded in the minutes. City Council may grant one extension to an applicant for rezoning of not more than six (6) months upon a showing of good cause by the applicant.

9. Expiration of Approval

Upon approval of a Zoning/SUP application by the City Council, the applicant shall comply with the conditions of approval within six (6) months otherwise the approved application shall become null and void.

SECTION 17. LOCATION OF DISTRICTS

A. Adoption of Official Map.

The map delineating the boundaries of the various zoning districts, together with all matters and things shown on such map, is adopted and approved, incorporated herein and made a part of this ordinance as much as if the matters and information set forth by such map were all fully described herein. Such map shall be designated "Official Zoning Map of the City of Hill Country Village" and shall constitute the official map which shall be kept on file in the office of the City Administrator or his/her designated agent.

B. Amendments to the Official Map.

All amendments to the official map shall be listed in the order adopted in a separate register maintained and kept current by the City Administrator or his/her designated agent.

C. District Regulations to be Uniform.

The regulations herein established shall apply uniformly to all geographical areas having the same district classification or designation on the official map.

SECTION 18. INTERPRETATION OF ZONING MAP

When definite distances in feet are not shown on the map, the following rules shall apply:

A. Boundaries indicated as approximately following the right-of-way or center lines of streets or alleys shall be construed to follow such right-of-way or center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

SECTION 19. ZONING COMMISSION

A. Establishment of Zoning Commission.

Pursuant to Section 211.007 of the Texas Local Government Code, the Zoning Commission is hereby established, consisting of five members appointed by the City Council. The members of the Commission shall serve for overlapping two-year terms; provided however, that initially, three members of the Commission shall be appointed for terms of two years and two members shall be appointed for terms of only one year. The City Administrator shall also serve ex-officio as a non-voting member of the Commission.

B. Alternates.

The City Council shall appoint six alternate members to the Commission who shall attend and serve as members of the Commission only when necessary to constitute a quorum. The term of such alternate members to the Commission shall be two years. The City Administrator or his/her designated agent is directed to notify said alternate members of each meeting of the Commission so as to insure their presence when it may be required.

C. Removal of Members and Alternates.

Members and alternate members of the Commission shall be removable for cause by the City Council upon written charges and after a public hearing.

D. Vacancies.

Vacancies in the regular or alternate membership of the Commission shall be filled by the City Council for the unexpired term of vacancy.

E. Chair and Vice-Chair.

The Commission shall elect a Chair and a Vice-Chair from its own membership. They shall serve a two-year term.

F. Meetings.

The Commission shall meet at the call of the Chair or upon written request of at least three members. Regular meetings of the Commission shall be held at City Hall, and the Commission may hold special meetings to consider any zoning application.

G. Presiding Officer.

The Chair shall preside over meetings of the Commission, except that the Vice-Chair shall preside in the absence of or at the request of the Chair.

H. Quorum.

A quorum shall consist of four members of the Commission, including alternates. No final action shall be taken on any matter except pursuant to a majority vote. In no case shall less than three votes constitute a majority vote.

I. Notice of Meetings; Open Meetings.

Notice of each meeting shall be given in accordance with the Texas Open Meeting Law. All meetings of the Commission shall be open to the public.

J. Procedures.

Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussion of a question before the Commission by the members, or by opponents or proponents, shall terminate whenever a member shall call for a vote upon the question or whenever the Chair shall so rule.

Whenever any question of procedure or qualification may be raised at a Commission meeting, the Chair shall rule thereon. A member may move to overrule the Chair's decision, which may be done only by a majority vote of the members present.

Voting on rezoning applications shall be by roll call. Voting on all other matters shall be by voice vote, provided that a roll call shall be taken on demand of any member.

Any question of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, insofar as they may be applicable.

K. Conflict of Interest.

Members of the Commission shall observe the requirements of Section 171.001 et seq. of the Texas Local Government Code, and shall disqualify themselves from voting on any matter where they are prohibited from voting under such statute. In any case where the question of a member's interest is raised, the Chair shall rule on whether the member should be disqualified.

SECTION 20. DUTIES OF ZONING COMMISSION

The duties of the Zoning Commission are as follows:

A. To recommend the boundaries of original zoning districts and appropriate regulations to be enforced therein.

B. To hold public hearings and make recommendations to the City Council on requests for a change in zoning district boundaries or in the regulations applicable in the various zoning districts, or on the zoning to be applied in areas which are proposed for annexation. Such recommendations may be evidenced by minutes of the Commission's meeting.

C. To recommend approval or disapproval of the original location and relocation of alleys, sidewalks, and any means of ingress and egress to the public streets, the final determination of which shall be made by the City Council.

D. To act as the City's Planning Commission in recommending to the City Council a comprehensive plan for the physical development of the city, including land use regulation and capital improvement programs, and in recommending updates to such plan and its implementation programs as the Commission considers necessary or as the Council requests.

E. To perform such other functions as are necessary or required by state law or city ordinance.

SECTION 21. PROCEDURES FOR ZONING CHANGES AND TEXT AMENDMENTS.

A. Powers of City Council.

Pursuant to the provisions of Chapter 211.001 et seq. of the Texas Local Government Code, the City Council may amend or supplement the provisions of this ordinance and it may change the zoning districts and district boundaries established in this ordinance.

B. Filing with City Administrator or his/her designated agent.

All petitions, applications, recommendations, or proposals for changes in the zoning district classification of property or for changes in the textual provisions of this ordinance shall be filed with the City Administrator or his/her designated agent.

C. Fee to Accompany Application.

When an application is filed for a change of zoning district boundaries or for any change in the text of the zoning ordinance, such application shall be accompanied by a non-refundable fee in the amount established by City Council from time to time. The fee shall be paid by cash, certified check, or cashier's check to the City Administrator or his/her designated agent immediately upon filing said application. No notice of such application shall issue and no hearing shall be had before the Zoning Commission or the City Council until the prescribed fee is paid. The City Administrator or his/her designated agent shall keep and preserve an itemized record of all fees received and the disposition thereof.

D. Repeat Applications.

No application for the rezoning of any lot or tract of land in the city shall be received or filed with the Zoning Commission and no hearing had thereon, if, within six months prior thereto an application was received or filed and withdrawn before a full, fair and complete and final hearing was had thereon; or if within six months prior thereto a full, fair, complete and final hearing was had on the rezoning of such lot or tract of land before the Zoning Commission; provided, however, if new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by the applicant, under a sworn affidavit to that effect, then in that event, the Zoning Commission shall have the power to waive this minimum time limit and proceed to hear and consider such application. It is further provided that no application for the rezoning of a lot or tract of land in the city shall be received or filed with the Zoning Commission and no hearing had thereon, if within one year prior thereto the

City Council, after consideration and hearing, has denied an application for rezoning of the same property.

E. Notice of Commission Hearing.

At least 11 days in advance of the Commission hearing, the City Administrator or his/her designated agent shall notify the owners of all property within 750 feet of the subject property inside the city limits, and within 200 feet of the subject property outside the city limits, of the matter which is pending before the Zoning Commission. For this purpose, the owners to be notified shall be determined from the most recent city tax roll for properties inside the city limits, and from the most recent tax roll of Bexar County or the adjacent city for properties outside the city limits. The City Administrator or his/her designated agent shall also publish notice of the Council hearing at least 16 days in advance of the hearing date, as required by law.

F. Recommendation by Zoning Commission.

The Zoning Commission shall file its report and recommendations signed by the Chair or presiding member on the matter with the City Administrator or his/her designated agent for transmittal to the City Council as soon as practical after the conclusion of the Commission's hearing, so that final action on the matter by City Council is not unreasonably delayed.

G. Application to City Council.

All applications for rezoning which have been recommended for approval by the Zoning Commission shall be presented by the applicant to the City Council within 90 days from the date of the Commission's approval. In the event the applicant fails to present the application for rezoning to the City Council within 90 days, the City Council shall not act on the application until it has been resubmitted to the Zoning Commission for action. The application shall then be treated as an original application for rezoning, and all fees required by this ordinance shall be paid by the applicant.

H. Notice of Council Hearing.

Upon receipt of the report and recommendations of the Zoning Commission and the applicant's application to the City Council, the City Council shall hold a public hearing and act on the matter with reasonable and deliberate speed. At least 11 days in advance of the Council hearing, the City Administrator or his/her designated agent shall notify the owners of all property within 750 feet of the subject property inside the city limits, and within 200 feet of the subject property outside the city limits, of the matter which is pending before the City Council. The City Administrator or his/her designated agent shall also publish notice of the Council hearing at least 16 days in advance of the hearing date, as required by law.

I. Effect of Protest.

If the Zoning Commission recommends against a change in zoning or if there is a protest against a change in the zoning district classification of any property signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of the lots or tracts of land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.

J. Requirements for Additional Information.

Before taking final action on any rezoning application, either the Zoning Commission or the City Council may require the applicant to present, at the applicant's expense, engineering reports, data or other information which either the Commission or the City Council may reasonably require in order to make an appropriate determination on the application. Such information shall be furnished to the City Administrator or his/her designated agent when requested by either the Commission or the City Council.

SECTION 22. ZONING OF NEWLY ANNEXED TERRITORY

Prior to any action by the City Council on an application for annexation, the Zoning Commission shall hold a public hearing and make a recommendation to the City Council concerning the zoning of the property which is the subject of the application for annexation. In connection with such proceedings, the city shall provide notice to the public and to adjacent property owners in the same manner as for a zoning change, except that the city itself shall be regarded as the applicant and no fee shall be due from the owner of the subject property. The City Council shall adopt an ordinance providing for the permanent zoning of the subject property effective simultaneously with the property's annexation.

SECTION 23. BOARD OF ADJUSTMENT

A. Creation of Board of Adjustment.

There is hereby created a Zoning Board of Adjustment consisting of five members and six alternate members to be appointed by the City Council. Said Board shall be controlled by and have all powers vested by Section 211.008 et seq. of the Texas Local Government Code. The City Administrator shall also serve ex-officio as a non-voting member of the Board.

B. Terms of Members and Alternates.

The five members of the Board shall serve for overlapping two year terms; provided, however, that initially, three members of the Board shall be appointed for terms of two years and two members shall be appointed for terms of only one year. The terms of the alternate members shall be two years.

C. Removal of Members and Alternates.

Members and alternate members shall be removable for cause by the City Council upon written charges and after public hearing.

D. Vacancies.

Vacancies in the regular or alternate membership of the Board shall be filled by the City Council for the unexpired term of vacancy.

E. Chair and Vice-Chair.

The Board shall elect a Chair and a Vice-Chair from its own membership. They shall serve for a two-year term.

F. Quorum.

The alternate members of the Board shall serve in the absence of one or more regular members when requested by the City Administrator or his/her designated agent so that all cases heard by the Board will always be heard by a minimum of five members.

G. Minutes and Records.

The City Administrator or his/her designated agent shall keep minutes of the Board's proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of the Board's examinations and other official action, all of which shall immediately be filed in the office of the City Administrator or his/her designated agent and shall be a public record.

H. Meetings.

The Board shall meet at the call of the Chair, or, in the Chair's absence, the Acting Chair, and at such times as the Board shall determine. All Board meetings shall be open to the public.

I. Conflict of Interest.

Members of the Board shall observe the requirements of Section 171.001 et seq. of the Texas Local Government Code, and shall disqualify themselves from voting on any matter where they are prohibited from voting under such statute. In any case where the question of a member's interest is raised, the Chair shall rule on whether the member should be disqualified.

J. Powers of Board.

The Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this ordinance. In exercising this power, the Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.
2. To hear and decide special exceptions to the terms of this ordinance in those specific instances where required by this ordinance.
3. To authorize upon appeal in specific cases, such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance will be observed and substantial justice done.

K. Limitations on Power to Grant Variances.

No variance shall be granted on property that is not properly platted.

However, the Board may waive this requirement for platting of property that cannot meet all the requirements of the Hill Country Village subdivision ordinance. In addition no variance shall be granted unless:

- (1) Such variance will not be contrary to public interest.
- (2) Such variance will not authorize the operation of a use other than one which is specifically authorized for the district in which the subject property is located.
- (3) Such variance will not substantially or permanently injure the appropriate use of adjacent or nearby conforming property in the same district.
- (4) Such variance will not alter the essential character of the subject property or of the district in which it is located.
- (5) Such variance will be in harmony with the spirit and purpose of this ordinance.
- (6) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.
- (7) The variance will not substantially weaken the general purposes of this ordinance or the regulations herein established for the specific district.
- (8) The variance will not adversely affect the public health, safety or welfare.

L. Powers Strictly Construed.

Nothing herein contained shall be construed to empower the Board to change the terms of this ordinance, to effect changes in the official map or to add to the specific purposes permitted in any district. The powers of the Board shall be so construed that this ordinance and the official map are strictly enforced.

M. Findings of Fact.

Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of the Board's proceedings. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this ordinance or to effect any variance in this ordinance shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed in compliance with this ordinance.

N. Vote Necessary to Act.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of an Administrative Official, to grant a variance or

special exception, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance.

O. Procedures for Appeals.

Any person aggrieved or affected may appeal to the Board from any order, requirement, decision or determination of an Administrative Official of the city in the enforcement of this ordinance. Such appeal shall be taken by filing with the City Administrator or his/her designated agent, within 30 days, a notice of appeal specifying the particular grounds upon which the appeal is taken. A non-refundable fee in the amount established by City Council from time to time shall be deposited with the City Administrator or his/her designated agent for each appeal. Upon receipt of a notice of appeal, the City Administrator or his/her designated agent shall transmit to the Board all of the original documents and materials, or true copies thereof, constituting the record upon which the action appealed from was based.

P. Notice of Hearings.

Public notice of hearings before the Board shall be given for each separate variance, special exception, or appeal thereto by publication one time in a newspaper of general circulation in the city, stating the time and place of such hearing. This hearing shall not be earlier than ten (10) days from the date of such publication. The Board shall mail notice of the hearing to the petitioner and to the owners of all property within 750 feet of the subject property inside the city limits and within 200 feet of the subject property outside the city limits, and to all other persons deemed by the Board to be affected by the matter at least ten (10) days before the date of such hearing. The owners and other persons to be notified shall be determined according to the current tax rolls of the city, Bexar County or the adjacent city as appropriate.

Q. Time Limitation for Variances.

Where a variance is granted by the Board and a building or structure is not started pursuant to such variance within 90 days of the hearing thereon, or completed within two years of such hearing, such variance becomes null and void and of no force or effect.

R. Recommendation from Other Public Agencies.

The Board shall receive and consider recommendations from public and semi-public agencies before rendering a decision in any case before the Board. To this end, the Board shall, in addition to the other requirements of this ordinance, notify all agencies deemed to have an interest in the case.

SECTION 24. BUSINESS DISTRICT CONSTRUCTION REVIEW BOARD

A. The design and construction of all new commercial structures and commercial structures which are renovated such that the exterior of the structure is more than 50% replaced, altered or remodeled or 50% of the façade of a structure is replaced, altered or remodeled shall reflect the forms, style, and materials that will be complimentary to the existing Hill Country Village atmosphere, in order to meet the following objectives:

- (1) Promote orderly and harmonious development of the City;
- (2) Encourage the attainment of the most desirable use of land and improvements;

- (3) Enhance the desirability of living conditions in the City;
- (4) Promote high aesthetic quality of development in the City;
- (5) Preserve and enhance historic sites, structures and areas.

B. A Business District Construction Review Board, herein after referred to as BDCRB, is hereby created for the purpose of reviewing proposed commercial construction, alterations, and/or renovations for compliance with the architectural principals and BDCRB design standards set forth in this Ordinance.

(1) Membership.

(a) The BDCRB shall consist of five (5) members and six (6) alternate members. If possible, at least one (1) member of the BDCRB should be an architect, registered to practice in the State of Texas.

(b) Members of the BDCRB are to be nominated by the Mayor and approved by City Council for two-year terms. Members may be appointed to succeed themselves. Duly appointed member shall be installed at the first regular meeting after their appointment.

(2) Organization. The BDCRB shall hold an organizational meeting following appointment of all members. The BDCRB shall elect a Chair before proceeding to any other matters of business. The BDCRB shall select such other officers as it deems necessary from its membership or from staff representatives assigned by the City Administrator to work with the BDCRB. The City Administrator or his/her designated agent shall serve as secretary of the BDCRB. The BDCRB shall designate the time and place of its meetings. Special meetings shall be held at the call of the Chairman, and at such other times as the BDCRB may determine or as requests for BDCRB action require. All meetings of the BDCRB shall comply with the Open Meetings Act. The BDCRB shall conduct its meetings under Robert's Rules of Order and shall keep a record of its proceedings consistent with provisions of this chapter and the requirements of law.

(3) Quorum, Majority Vote. A quorum shall consist of three (3) members of the BDCRB. An affirmative vote of the majority of the BDCRB members present shall be required to approve a project for issuance of a building permit.

(4) Conflicts of Interest. Texas Local Government Code Chapter 171, Conflicts of Interest, governs the BDCRB. Additionally, BDCRB members may not vote on matters involving their own business interests. Whenever any BDCRB member or any staff member serving on the BDCRB becomes aware of any conflict of interest in any case that comes before the BDCRB, they shall notify the chair of the particulars and file an affidavit with the Chairman or the Secretary of the BDCRB. If such an affidavit is filed, the chair shall cause the circumstances to be entered into the record.

(5) Removal of Members. Any BDCRB member can be removed from office by the City Council for cause. Causes for removal include, but are not limited to, malfeasance, failure to maintain reasonable familiarity with statutes, ordinances, and rules affecting the BDCRB,

and/or failure to be governed thereby, failure to disclose conflict of interest, and failure to attend three consecutive meetings without the recorded consent of the chair.

(6) Jurisdiction. To ensure compatibility with the approved design standards and other design elements the BDCRB shall have authority to review and act on all plans for commercial development in the city that meet the criterion of Subdivision A., above.

C. Submittals, Actions of the BDCRB

(1) Design Standards. The design and construction of all new commercial structures, and structures which are remodeled or renovated or have a change in the type of occupancy shall adhere to the adopted design standards which are attached hereto as Exhibit A, and as they may be modified by the BDCRB and approved by City Council. Copies of current design standards shall be available for inspection or purchase at the City offices.

(2) Plan Submittal Requirements (PSR). A completed PSR checklist must be submitted to the BDCRB in order for the issuance of a Letter of Compliance to be considered. Providing false or misleading information shall require the BDCRB to reject the proposal and the BDCRB may bar the owner, or the owner's agent, or both from submitting an application for a period of six (6) months from the date such finding is made.

(3) Action by the BDCRB. The BDCRB shall make initial review of the plan submitted requirements within sixty (60) days of applicant's submittal to the City. The BDCRB may take the following actions on an application:

(a) Approved. Prior to the issuance of a building permit for construction, alterations, or renovations, a Letter of Compliance must be obtained from the BDCRB.

(b) Approved with conditions. The BDCRB may impose such conditions as it deems reasonable and necessary to assure compatible development with surrounding area and to ensure that the spirit and intent of this Section and the BDCRB Design Standards are in compliance. The BDCRB Chairman or designee shall provide approval with conditions in writing to the City Administrator who shall deliver to the City Council and to the applicant within five working days.

(c) Disapproved. If the BDCRB disapproves an application each member who voted against the application shall submit to the Chairman, within five days of the vote, in writing, the reasons on which the member's disapproval was based.

(d) Continue. The BDCRB may request additional changes or information and the resubmission within a stated period of time. The application will not be deemed approved for failure of the BDCRB to hear the application within that time period. Failure by the applicant to submit the requested information timely shall require a new application, and shall be considered a new project. If additional information is necessary, the period of tabling may extend beyond the sixty-day period but in no event may the total time exceed ninety (90) days. A failure to approve within ninety (90) days of submission shall constitute a Disapproval from which appeal is permitted to City Council.

(5) Appeal to City Council. Any applicant or party aggrieved by a decision of the BDCRB may appeal such decision to City Council. Such notice of appeal must be filed with the City Administrator within ten (10) working days of the decision of the BDCRB. Such appeal shall stay the issuance of a building permit and shall be placed on the agenda for the next available City Council meeting after the BDCRB has presented the disapproval documentation.

D. The design standards, attached hereto as Appendix A, and the Plan Submittal Requirements checklist, attached hereto as Appendix B are hereby adopted and incorporated in this ordinance by reference as if the exhibits were fully setout herein.

SECTION 25. SEVERABILITY

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of the ordinance but it shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance held invalid, and the invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this ordinance in other instances.

SECTION 26. SUPERSESION OF PREVIOUS ORDINANCES

The purpose of this ordinance is to supersede the previous zoning ordinances (Ordinance No. 785 of July 29, 2000; 750 of July 15, 1999; 746 of May 5, 1999; 627 of December 1992; No. 36 of May 7, 1964; as amended by Ordinance No. 153 of December 16, 1976; Ordinance No. 235 of October 23, 1980; and Ordinance No. 426 of April 22, 1988; as amended by Ordinance No. 526 of March 15, 1990), which are not repealed by this ordinance, and to provide for the transfer of their provisions into one ordinance, without re-enactment and without altering the meaning, prohibitions or effect of the unrepealed provisions of said prior ordinances, so that when this ordinance takes effect there will be only one comprehensive zoning ordinance for the City of Hill Country Village without the confusion that would result if remnants of the prior ordinances were allowed to continue in that form.

History

750 (7/15/99)

Amended by 785 (7/20/00)

PASSED AND APPROVED THE 20th DAY OF JANUARY 2005.

Kirk W. Francis
Mayor

ATTEST:

David J. Harris
City Administrator
Acting City Secretary

APPROVED AS TO FORM:

Steven Arronge
City Attorney

EXHIBIT A – BUSINESS DISTRICT CONSTRUCTION REVIEW BOARD

1. INTRODUCTION:

These design standards are for commercial areas of Hill Country Village. These standards are not meant to dictate solutions, but rather to provide a common basis for commercial builders to build in areas of the City. They aid in making design decisions that may affect individual properties and the overall character of these distinctive areas. These standards are designed to provide a consistent yet flexible approach for the preparation and review of development and redevelopment plans by defining a range of appropriate responses to a variety of specific design issues.

A. Objectives of the Standards:

The standards in this document are intended to aid in the preservation of Hill Country Village's cultural resources within its business districts, and to promote new construction that is compatible in character with the architecture of the surrounding area. A further intent is to provide information for property owners to use in making design decisions about their buildings.

These standards inform the community about the design policies of the business district. They also reflect an approach to design that will help sustain the character of these areas and build the Business District into a strong identifiable area which will hopefully attract investment and reinvestment in properties.

This document provides the City staff, the Business District Construction Review Board, the Zoning Commission, Board of Adjustment, and the City Council with a firm basis for making informed consistent decisions about proposed projects in Hill Country Village.

Specifically, it is the intent of these standards to:

- Protect and enhance the sense of time and place conveyed by the business area and by preserving and enhancing its architectural integrity and identity.
- Encourage new construction and renovation that is compatible in design, materials, color and texture with existing business structures.
- Minimize negative impacts on adjacent properties from incompatible development, thus protecting property values and investments.

2. ZONING MANDATES:

A. Ordinance:

The Business District Construction Review Board Ordinance cites the authority for the BDCRB to review and recommend disposition for proposed development plans. The mandates are to be used to establish and standardize development in the Hill Country Village Business B-1, B-2, and B-3 zoning districts; hereafter referred to as business zoning districts.

These standards address all exterior construction changes in the business zoning districts and apply to additions and renovations if 50% or more of the exterior portion or façade are replaced. All buildings, structures, objects, and sites must go through the design review process outlined in BDCRB Ordinance before any alteration may be made to a building, structure, object, or site.

NOTE: The standards in this document do not require property owners or tenants to initiate repairs or modifications to existing developments; and there is no deadline by which properties must come into “compliance.” The standards are meant to be used when a property owner or tenant initiates a construction project, either to alter the exterior of an existing structure or to construct a new one.

B. Using the Standards:

Property owners, real estate agents, tenants, contractors and architects shall use these standards when planning projects in the business zoning districts of Hill Country Village. This will help establish an appropriate direction for design efforts.

All applicants are encouraged to hold a pre-application conference with the City Administrator prior to submitting an application. Applications for a construction permit must include a site plan and elevation information as well as other permits and documents as required by zoning or other appropriate ordinances. Prior to issuance of a permit, the BDCRB will determine if the proposed project meets the intent of the BDCRB zoning ordinance and the design standards as presented in this document. If any applicant, developer or owner should differ in opinion with the review findings of the BDCRB, they may appeal such decision to the City Council.

3. BUSINESS DISTRICT:

The key objective is compatibility of new construction with adjacent buildings and with the city’s cultural development and hill country atmosphere.

A. Site and Building Orientation:

The location and orientation of a building, its entrance, parking and landscaping on a lot are important in retaining the overall character of the area, regardless of whether the project is commercial, or mixed use.

New buildings in the Business district should be visually and physically compatible in their siting and orientation with their neighbors.

Buildings may typically be oriented parallel to the lot lines, but are encouraged to be angled or shaped to preserve existing trees and vegetation.

The primary building entrance shall be similar in scale to those of neighboring structures. Although a building may be large, entries shall be scaled to the pedestrian level, thus making the building more appealing and the interior space more inviting.

Buildings shall ordinarily have a front-facing, clearly defined entry in the primary façade, similar to the orientation of most existing structures.

B. Building Mass and Scale:

Building mass and scale are affected by height, width, articulation, detailing, building setbacks, materials used, amount of openings, roof form, and many other features. New construction shall be similar in appearance in mass and scale to other structures found in Hill Country Village.

Structures in the Business District are usually large, often two or more floors in height, and may extend across the width of the lot. Their facades shall be detailed to remain in proportion and scale with pedestrian users.

If new buildings are lengthy or horizontal, façade elements will be used to reduce the proportion and the visual width of the building. Examples of elements that give the impression of multiple structures include varying parapet heights, alternating projected and recessed sections of wall, and window arrangements.

New offices and stores are not required to match the height of neighboring structures exactly, but shall be similar to adjacent building heights at the street façade.

Divide large buildings horizontally and vertically into sections and that are in proportion and scale with pedestrians and not the automobile. Typical historical features that reduce the mass of large facades include columns or pilasters at regular intervals; repetitive patterns of openings, and horizontal masonry bands at each floor level. These features need not be exact reproductions of historical elements nor be traditional in execution. Contemporary facades can use similar methods to break up large building faces into smaller units. The size, alignment and repetition of façade elements are such as windows, windowsills, awnings, moldings and cornices should reflect Hill Country patterns.

Many of the commercial structures in the Hill Country have flat roofs with parapet walls that extend above the roof. This treatment is to be carried through in new structures. A projected cornice at the top of the parapet (a common historic feature) shall be considered in the design of new buildings. A cornice serves to screen roofs and mechanical equipment including air conditioning units and to provide architectural interest and historic character.

Alternatives to a cornice that screen roofs and mechanical equipment such as air conditioning units may be acceptable.

The proportion and shape of building elements help to determine how well a building will relate to existing developments in the Business District. Different architectural styles contain distinctly different proportions and shapes.

C. Building Materials:

Façade Materials for all new buildings and exterior renovations shall include one or more of the following materials; clay or concrete brick, terra-cotta, natural stone, cast stone, granite, marble, travertine, architectural decorative materials (such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials, or other similar materials that do not require painting), stucco, custom faced concrete masonry unit, wood or metal siding.

Paneled materials in large sections may be out of scale with materials used traditionally, and inappropriate in the business district.

Imitation siding comprised of vinyl, aluminum, steel and other materials are discouraged.

Acceptable Trim Materials include brick, cast stone, natural stone, ceramic tile, wood, concrete, or architectural decorative metals.

Windows and Doors should be comprised of wood, glass, painted metal, or architectural decorative metal appropriate for the style.

Metal or vinyl clad wood windows and clear or unfinished aluminum windows and storm windows shall be finished in a color typical of Hill Country historic windows, or in a color that compliments the colors of other finished materials.

Mirrored or reflective glass may be considered inconsistent with the architecture of the District.

Roofing Materials shall be compatible with Hill Country buildings; typically galvanized or painted metal panels, wood shingles and shakes; slate, clay, concrete or metal tiles. Flat roofs should not be exposed above the fascia or parapet walls.

D. Security:

Security bars have become a common method of preventing loss of property. However, inappropriate use of them can detract from property values in an area, and can even discourage customers. If used, sufficient measures shall be taken with window and door security bars and shutters to avoid detracting from the character of the Business District. Security hardware shall be compatible with the style of the building.

Wrought iron bars placed over the storefront windows are prohibited. Wrought iron security grills are acceptable only if installed on the interior of the building.

E. Finishes:

Primarily finishes shall be of a type and composition appropriate to the materials to which they will be applied.

Simple finishes are to be used and shall be of matte finish, not polished.

Lap siding shall be finished in a solid color of either paint or prefinished.

Stucco, if used, must be smooth to medium coarse in texture.

F. Use of Color:

Color scheme shall be subdued, not garish, and in keeping with the character and color schemes of nearby structures.

Trim colors shall be selected that are compatible with the other, more permanent building materials on the structure, such as brick, stone or stucco. The natural colors of these primary materials should dominate the color scheme.

Trim, including horizontal and vertical trim boards, porch framing and columns, and window framing, shall be painted in a color that compliments the base shade. Window sash, doors and/or shutters may be painted in a third color.

Bright colors or fluorescent exterior colors are prohibited. Bright colors will be used in small amounts and for accent only. An extremely Bright or fluorescent color is a color defined by the Munsell Book of Color as having a minimum value of eight (8) and a minimum chroma of ten (10).

G. Parking Areas:

Where off street parking is necessary, parking lots shall be unobtrusive, attractive and secure in order to preserve and enhance the character of the area.

To improve the appearance and comfort of parking areas, planting beds with shade trees and lighting shall be utilized throughout the parking lot. These features must be planned to promote safety and security. Limbs of trees over parking areas shall provide at least seven (7) feet of clearance. Shrubs shall be low enough to provide a sense of security for the user.

H. Screening:

Unattractive features of a building shall be screened from public view, such as dumpsters, utilities, air conditioner compressors and solar energy devices. Outdoor dining areas must be completely surrounded by “an architecturally compatible” fence designed to prevent trash from being blown onto adjacent areas. Outdoor dining should have low level, architectural or landscape screening.

Screening fences shall be constructed of brick, stone, decorative concrete masonry units, stucco concrete masonry units, or metal (wrought iron, steel or aluminum bars) with a live evergreen vine or shrubs. Chain link fencing is not allowed in any area which is visible from a public right of way.

All roof mounted mechanical equipment shall be screened from view from any street. Screening materials for rooftop equipment must be of a material architecturally compatible with the materials used elsewhere on the structure.

I. Exterior Lighting:

Suitable lighting for different types of uses is important. The type of lighting used shall be appropriate for the intended use of the illumination.

Lighting may be used to illuminate architectural details, building entries, signage, sidewalks, alleys, and parking areas. However, lighting shall not dominate a façade or the street.

Building lighting shall be directed away from neighboring residential structures. Lighting fixture lamps shall be shielded to focus light on business area only.

Lighting fixtures, whether wall-mounted or on poles, shall compliment the style of the structure and the Business District. Fully recessed down-lights, pole lights and gooseneck lights are encouraged.

In terms of location, size and height, lighting fixtures in the Business District, shall be coordinated with plantings, buildings, utilities, and parking areas.

**EXHIBIT B - BUSINESS DISTRICT CONSTRUCTION REVIEW BOARD PLAN
SUBMITTAL REQUIREMENTS CHECKLIST**

City of Hill Country Village

	YES	NO
1. Copy of Recorded Plat	<input type="checkbox"/>	<input type="checkbox"/>
2. Site Plan (Must Show)	<input type="checkbox"/>	<input type="checkbox"/>
· Property Lines	<input type="checkbox"/>	<input type="checkbox"/>
· Setbacks & easements	<input type="checkbox"/>	<input type="checkbox"/>
· Utilities & lighting (exterior lighting must include specs)	<input type="checkbox"/>	<input type="checkbox"/>
· Paving & sign locations (please review the sign ordinance prior to submittal)	<input type="checkbox"/>	<input type="checkbox"/>
· Building location and all improvements	<input type="checkbox"/>	<input type="checkbox"/>
· Parking	<input type="checkbox"/>	<input type="checkbox"/>
3. Building Plans	<input type="checkbox"/>	<input type="checkbox"/>
· Proposed site plan with building, landscaping areas and sign location	<input type="checkbox"/>	<input type="checkbox"/>
· Elevation drawings	<input type="checkbox"/>	<input type="checkbox"/>
· Decorating (exterior) materials, colors	<input type="checkbox"/>	<input type="checkbox"/>
4. Regulatory Compliance*	<input type="checkbox"/>	<input type="checkbox"/>
· T.C.E.Q. Approval (210-222-2204)	<input type="checkbox"/>	<input type="checkbox"/>
· Texas Accessibility Standards registration & approval from the Texas Department of Licensing & Regulations (877-278-0999)	<input type="checkbox"/>	<input type="checkbox"/>
· Texas Department of Transportation approval (if applicable) (210-615-6052)	<input type="checkbox"/>	<input type="checkbox"/>
· Edwards Aquifer Authority (210-490-3096)	<input type="checkbox"/>	<input type="checkbox"/>

Note: Building construction plans must comply with the 2000 International Building Code and the Texas Accessibility Standards regulations. Please submit a completed copy of the Texas Department of Licensing & Regulation application if the construction valuation of your proposed project is \$50,000.00 and above.

*Not required by BDCRB, but may be submitted to BDCRB