

**AMENDING THE ZONING CODE OF THE CITY  
ENACTED BY ORDINANCE 929 OF JANUARY 20, 2005**

WHEREAS, the Zoning Commission of the City of Hill Country Village has reviewed the Zoning Code, Ordinance 929, for suitability in the Village;

WHEREAS, the Zoning Commission has made recommendations to the City Council for changes to zoning regulations in the Village; NOW THEREFORE:

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

**Section 1. Section 16B of Ordinance 929 is hereby amended by adding thereto Section 16B (13) which shall read as follows:**

(13) Septic Systems

All septic or similar on-site sewage facilities must be installed at or below the grade of the lot immediately surrounding the septic or similar on-site sewage facility, provided, however, the Building Inspector may issue a permit for an above ground installation if he determines that a below grade installation is impractical. All above ground septic or similar on-site sewage facilities shall be provided with landscaping sufficient to obscure the sewage facility from the view of persons on any adjacent public street. Where a septic or similar on-site sewage facility is a replacement unit, it may be placed in the same location as the prior sewage facility it is replacing even if such location is within a setback line, provided, however, that any above ground part of any such unit must be landscaped to obscure viewing of the sewage facility from the residential lot that is directly adjacent to the setback where the replacement septic or similar on-site sewage facility is constructed.

**Section 2. Section 16B (7) of Ordinance 929 is hereby amended to read as follows:**

(7) Parking

Motor homes, mobile homes, recreational vehicles of any kind, trailers, boats, tractors, bulldozers, bobcats, farm equipment or other machinery shall be parked or stored only

- (a) to the rear of the rear line of a dwelling, or
- (b) between the front and rear lines of the dwelling provided they are obscured from view by vegetation or a structure from any street, or
- (c) in a garage or carport, or
- (d) anywhere upon the property for a period not to exceed 72 hours during any 90 day period.

Under no circumstances shall such items be parked or stored within the side or rear setback areas.

The front line is defined as two lines emanating from the front most corners of the primary dwelling, perpendicular to the respective side property lines.

The rear line is defined as two lines emanating from the rearmost corners of the primary dwelling, perpendicular to the respective side property lines.

**Section 3. Section 16E (6)(m) of Ordinance 929 is hereby amended to read as follows:**

(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.

Exterior light fixtures that are not in compliance with this provision on the date of enactment shall be brought into compliance with this provision by April 30, 2009. The City Council finds that to be a reasonable period of amortization, on non-compliant exterior light fixtures.

A business may apply for an extended amortization period by appeal to the Board of Adjustment. After hearing all relevant evidence regarding amortization the Board shall enter an order either denying the appeal or granting an extended amortization period. If an extended period of amortization is granted, the Board shall establish a compliance date for the business.

**Section 4. Section 16B of Ordinance 929 is hereby amended by the addition thereto of Subsection (14) which will read as follows:**

(14) Outside Lighting – Parking areas exterior light fixtures in parking areas shall be directed away from neighboring residential structures and shall be shielded to focus light on parking areas and the structure with which the parking area is utilized.

Exterior light fixtures that are not in compliance with this provision on the date of its enactment shall be brought into compliance with this provision by April 30, 2009. The City Council finds that to be a reasonable period for non-conforming exterior light fixtures to be terminated.

A property owner may apply for an extended period by appeal to the Board of Adjustment. After hearing all relevant evidence the Board shall enter an order either denying the appeal or granting an extended period for compliance. If an extended period of compliance is granted, the Board shall establish a compliance date for the property.

**Section 5. Exhibit B of Ordinance 929 is amended as follows:**

Exhibit B is hereby deleted.

**Section 6. Section 24 (D) of Ordinance 929 is hereby amended to read as follows:**

D. The design standards, attached hereto as Appendix A are hereby adopted and incorporated in this ordinance by reference as if the exhibit was fully setout herein.

**Section 7. Section 24 of Ordinance 929 is hereby amended by the addition thereto of Subsection 4.5 which will read as follows:**

Public notice of a hearing before the Board shall be given for any final Board approval 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, at least ten (10) days before the date of such hearing. The owners to be notified shall be determined according to the current tax rolls of the city, Bexar County or the adjacent city as appropriate.

**Section 8. Section 16B of Ordinance 929 is hereby amended by adding thereto Section 16B (15) which shall read as follows:**

(15) Health and Safety Regulations

The owner of any residence, tract or lot shall at all times keep the premises, residence, accessory building and other structures 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, 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.

**Section 9. Section 16(B)5 of Ordinance 929 is hereby amended to read as follows:**

(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 the front property line or less than 25 feet from the rear or side property lines; 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 the front property line or less than 50

feet from the rear or side property lines; 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.

**Section 10. Section 3 of Ordinance 929, Definitions, is hereby amended to read as follows by adding thereto a definition of Permanent Cosmetics and amending the definitions of Setback and Tattoo Studio as follows:**

Permanent Cosmetics – The permanent application of pigment into the skin for eyebrows, eyeliner, lip liner, blush, nipple areola, and scar camouflage.

Setback – A minimum horizontal space extending across the front, rear, or 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.

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 but excludes Permanent Cosmetics.

**Section 11. Section 16(A) of Ordinance 929 is hereby amended by the addition of the following to the Table of Permitted Uses, Commercial Establishments as follows:**

**TABLE OF PERMITTED USES**

|                     |            |            |     |     |     |
|---------------------|------------|------------|-----|-----|-----|
| Permanent Cosmetics | <u>R-1</u> | <u>R-2</u> | B-1 | B-2 | B-3 |
|                     |            |            | X   | X   | X   |

The rest and remainder of Section 16(A) shall remain in full force and effect.

**Section 12.** Ordinance 929 passed and approved January 20, 2005 is hereby amended in accordance with the Sections of this Ordinance as noted herein.

**Section 13. Severability**

The provisions of this ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be full force and effect and the City shall promptly promulgate new or revised provisions in compliance with the authority's decision or enactment.

**PASSED AND APPROVED THE 15<sup>th</sup> DAY OF SEPTEMBER 2005.**

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Kirk W. Francis  
Mayor

ATTEST:

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David J. Harris  
City Administrator  
Acting City Secretary

APPROVED AS TO FORM:

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Steven Arronge  
City Attorney