

**CITY OF HIGHLAND HAVEN, TEXAS**

**ORDINANCE #033**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 007 AS AMENDED, THE ZONING ORDINANCE, FOR THE PURPOSE OF ESTABLISHING A SPECIAL PERMIT PROCEDURE FOR APPROVAL OF SPECIAL USES DEEMED APPROPRIATE FOR CERTAIN PROPERTY WHERE SUCH USE DOES NOT COMPLY WITH ESTABLISHED USES FOR THE PERTINENT ZONING CLASSIFICATION, PROVIDING FOR PENALTIES, ACKNOWLEDGING THE NEED FOR EMERGENCY PASSAGE AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS:**

**ARTICLE I**

1.01. SECTION V. of ORDINANCE 007, the Zoning Ordinance, of the City of Highland Haven, Texas is hereby amended to include the following subsection:

C, SPECIAL PERMITS

- (1) If it is determined by a property owner that there is a special need for a use on their property that is not otherwise in compliance with the existing use regulations applicable to the property and the special use required is:
- a. of a use specifically necessary for the use of the property by its owner due to the special nature of the property or special circumstances of the owner, and
  - b. not a requested use that would render a total change of use for the property which could also be accomplished by rezoning the property from the existing zoning classification to a different classification, or
  - c. a use which is reasonably beneficial for at least one or more properties abutting or within 300 feet of the property upon which the permit is requested,

then the property owner shall file with the City a zoning change application indicating that the request is for a Special Permit. The application shall include all information required for zoning change applications as well as a detailed and comprehensive description of the supporting data for the Special Permit request and the appropriate fee.

- (2) A Special Permit shall be considered to be a change in the existing zoning district and shall be subject to the same requirements for approval as set forth in Section VI, D of Ordinance Number 007, the Zoning Ordinance. In order to approve a Special Permit pursuant to this Section there must be a finding by the Zoning Commission of one or more of the special conditions set forth herein above in (1) a. and c.

**ORDAINED AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS, FOLLOWING A FINDING OF AN EMERGENCY, BY UNANIMOUS VOTE ON THE 21st DAY OF AUGUST 2001 WHICH IS THEREFORE THE EFFECTIVE DATE OF THIS ORDINANCE.**

**SEAL**

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Signed  
Mayor of the City of Highland Haven, Texas

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Attest

Secretary of the City of Highland Haven, Texas