

**CITY OF HIGHLAND HAVEN**

**ORDINANCE # 55 (Revision 1)**

**May 19, 2015**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN PROVIDING FOR THE DISSOLUTION OF AN AREA DESCRIBED AS PROPERTY DEVELOPMENT DISTRICT #1 (PDD) #1, THE RE-ZONING OF PDD #1 TO A SINGLE FAMILY RESIDENTIAL – 2 (SFR2) DISTRICT, SETTING INITIAL MINIMUM RESTRICTIONS FOR SFR2, AND RE-DESIGNATING DISTRICT DESCRIBED IN ORDINANCE #007 (Superceded by Ordinance #056) AS DISTRICT (A) SINGLE FAMILY RESIDENTIAL TO DISTRICT (A) SINGLE FAMILY RESIDENTIAL - 1 (SFR1), PROVIDING OPEN MEETINGS AND SEVERABILITY CLAUSES AND PROVIDING AN EFFECTIVE DATE:**

**Whereas**, a significant portion of the 8.27 acre property zoned Property Development District #1 by Ordinance #15, approved 10/19/96, has been sold by owner; and

**Whereas**, the owner of the purchased 3.32 acre tract and the owners of the remaining 4.95 acres of the PDD #1 property request re-zoning to single family residential; and

**Whereas**, The Planning and Zoning Commission, after conducting a Public Hearing on August 29, 2005 and after due consideration did provide written recommendation for re-zoning of PDD #1 to Single Family Residential with provisions for greater minimum lot size restrictions and provisions for stabling horses thereon; and

**Whereas**, the Board of Aldermen considered the public input concerning proposed re-zoning; and

**Whereas**, subject re-zoning is in compliance with recommendations contained in the City Comprehensive Property Development Plan.

**Whereas**, update references of Ordinance #007 to #056 and #015 to #055.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:**

The 8.27 acre area designated as Property Development District #1, as authorized by City Ordinance #015,(Ordinance #015 superceded by Ordinance #055) is hereby dissolved and re-designated as District (D), Single Family Residential - 2 (SFR2).

The area designated as District (A), Single Family Residential by City Ordinance #007 (**superceded by Ordinance #056**) is renamed District (A). Single Family Residential - 1 (SFR1), without change to restrictions therein by this ordinance.

Restrictions imposed by this ordinance, and the penalties for violation thereof, for Single Family Residential – 2 (SFR2) will be the same as Single Family Residential – 1 (SFR1) except:

1. Minimum lot/acreage - 1 acre
2. Minimum street/road frontage - 100 feet
3. Minimum acreage for stabling of horses - 2 acres (not more than 2 horses per tract).
4. Two outbuildings (maximum of 900 sq ft each) authorized on a tract of 2 or more acres, one of which may be a horse barn/stable.
5. Horse barn/stable (outbuilding) will be located to the rear of residence and no closer than 100 feet of any residence.

Unless further sub-divided or added to, the SFR2 district consists of two single family residential tracts; one of 3.32 acres and one of 4.95 acres consisting of a 1.31 acre parcel and a 3.64 parcel. The following elements of the 1.31 acre tract of SFR2 are grand fathered:

1. One single family residence with deck and detached 24'x24' carport
2. One water well house
3. One 8'x9' storage building with attached 8'x8' shed
4. One 30'x60' metal shop building with attached 30'x24' carport (not to be used for commercial purposes)
5. One 30'x30' metal shed used as horse barn
6. Maintaining of only two of the PDD #1 authorized three horses
7. Parking and storage of personal vehicles and equipment in and around the large shop building

No additional construction permitted on remaining 4.95 acres of original PDD #1 acreage without proper sub-division actions.

City Ordinance #015, establishing PDD #1, approved September 19, 1996, is hereby repealed.

**Section 7. SEVERABILITY** - Should any section or part of this ordinance be held unconstitutional, illegal or invalid or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 8. EFFECTIVE DATE** - This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**Section 9. OPEN MEETING** - It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the

time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

**PASSED AND APPROVED** on the *19th* day of *May* 2015 during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

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Irene Dauphin, Mayor

ATTEST:

Seal

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Dana Turner, City Secretary