



**City of Highland Haven**  
**510 Highland Drive, Suite A**  
**Highland Haven TX 78654-8269**  
**Phone: 830-265-4366 Fax: 512-366-9721**

### AGENDA – PLANNING & ZONING COMMISSION WORKSHOP

**DATE:** May 23, 2024

**TIME:** 3:00 pm

**PLACE:** Highland Haven Community Center

**1. Open meeting and Roll Call to Establish Quorum**

|                  |                                  |                                 |
|------------------|----------------------------------|---------------------------------|
| Marvin Filla     | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Linda Enderlin   | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Connie Smith     | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Jackie Garrow    | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |
| Debbie Dahlstrom | <input type="checkbox"/> Present | <input type="checkbox"/> Absent |

**2. Pledge of Allegiance**

**3. Recognize visitors.**

**4. Public Comment**

*(At this time, any person with business before the P&Z Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called.)*

### **DISCUSSION / INFORMATION ITEMS**

**5. Discuss Commercial Zoning**

- a. Smoke and Particulate Matter
- b. Odorous Matter
- c. Flammable and Explosive Materials
- d. Toxic and Noxious Matter.

**6. Discuss GUI – Government, Utility and Institutional.**

**7. Discuss – Meeting dates for July, August & September.**

**8. P&Z Commission Member Comments.**

**9. Next Special Meeting May 28, 2024, 10am Highland Haven City Hall.**

**10. Next Regular Meeting June 13, 2024, 6pm Highland Haven Community Center.**

**11. Items to be considered for the next agenda must be received by the Chair on or before 12 noon CDT, June 1, 2024.**

**12. Adjournment.**

Agenda Posted on May 16, 2024.

### CERTIFICATION OF POSTING

**I, LEZLEY BAUM, CERTIFY THAT THE FOREGOING AGENDA HAS BEEN POSTED AT HIGHLAND HAVEN CITY HALL, 510 HIGHLAND DRIVE, SUITE A; HIGHLAND HAVEN, TX, ON THE INDOOR AND OUTDOOR NOTICE BOARDS OF CITY HALL, WHICH ARE CONVENIENTLY ACCESSIBLE TO THE PUBLIC AT ALL TIMES, AND THE CITY WEBSITE AT WWW. HIGHLANDHAVENTX.COM ON THE 16<sup>th</sup> DAY OF MAY 2024, AND REMAINED SO POSTED FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.**



*Lezley Baum*  
 Lezley Baum, City Secretary

**Examples of Charted Permitted Uses in Commerical Sub-Districts**

| Business Type                                                           | O | C | LI | GUI |
|-------------------------------------------------------------------------|---|---|----|-----|
| Antique shops                                                           |   | X |    |     |
| Arts, craft, hobby shop (inside sales)                                  |   | X |    |     |
| Bakery, confectionary – retail and/or commercial sales                  |   | X |    |     |
| Bank, credit union                                                      | X | X |    |     |
| Barber shop, beauty shop                                                |   | X |    |     |
| Building materials, hardware (inside sales)                             |   | X |    |     |
| Business services                                                       | X | X |    |     |
| Cabinet, upholstery shop                                                |   |   | X  |     |
| Cafes, cafeterias, restaurants                                          |   | X |    |     |
| Camera, photography                                                     | X | X |    |     |
| Convenience store                                                       |   | X |    |     |
| Clinics without overnight services                                      |   | X |    |     |
| Department, sporting goods, novelty, variety, toy stores                |   | X |    |     |
| Drapery, needlework, weaving shops                                      |   | X |    |     |
| Drugstore                                                               |   | X |    |     |
| Facilities for assembly of computer software products                   |   |   | X  |     |
| Florists                                                                |   | X |    |     |
| Gas station                                                             |   | X |    |     |
| Gym, fitness center                                                     |   | X |    |     |
| Household or office furniture/furnishings, appliance stores             |   | X |    |     |
| Jewelry, optical goods stores                                           |   | X |    |     |
| Laundry/dry cleaning substation                                         |   | X |    |     |
| Package liquor stores                                                   |   | X |    |     |
| Retail uses which supply common shopping needs of residents of the city |   | X |    |     |
| Shoe and leather repair                                                 |   | X |    |     |
| Apparel shop                                                            |   | X |    |     |

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### Office District - District "O"

A. A. Purpose Allows ~~low-rise garden-type~~ office development to a maximum of three stories for use in providing professional and other business ~~services~~offices. ~~Does not allow hospitals or major employment centers.~~

1. Executive, administrative, professional.

2. Accounting, banking, financial.

B. B. Conditions and Limitations.

1. ~~Does not allow hospitals or call~~ major employment centers.

24. Business hours 7am – 7pm.

See Charts 1-4

C. Site Development Regulations.

1. Paved Sidewalks, driveways and parking areas are required.

2. Screening of loading and storage facilities is required.

3. Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any required yard nor within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.

4. See Charts 1- 4

### Commercial - District "C" (General Business)

A. Purpose This district allows general retail and commercial uses in the following listed use areas:

1. Listing of types of businesses (See Chart 5)

2. Uses as determined by the P&Z Commission and the BOA~~Council~~ which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that sell, store, distribute and/or repair goods, vehicles, equipment and materials, and are in general, dependent on products and materials produced elsewhere

3. Any business not found mentioned in this subsection shall apply for review by the planning and zoning commission via the building official.

4. Any business not listed above, but approved as a business by the BOA~~city council~~ will be added to the approved list

5. Accessory buildings shall be permitted only in the rear yard except when the lot on which the main building is located backs up to residential zones, but in no case may any accessory building occupy a public utility easement.

B. Conditions and Limitations.

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1. That the use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused by customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.
2. Signs (advertising) must be on the same lot as the business establishments to which they refer and shall not be placed within any required yard nor within twenty-five (25) feet of any Residential District. Signs may be illuminated but must be stationary and non-flashing. All signs shall comply with all applicable provisions of this ordinance and any other applicable ordinance of the City.
3. That it be conducted wholly within an enclosed building, except for delivery, catering, gasoline sales, nurseries and garden centers.
4. That required yards and outdoor areas not be used for display, sale, vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.
5. That all merchandise be sold on the premises, except for delivery and catering.
6. Establishments located on property that is within 300' of any property zoned for residential use when the commercial use is first established may not be open to the general public before 5:00 a.m. and must be closed to the general public by 10:00 p.m.
6. A variance request may be submitted to the City for deviations from conditions and limitations.

### B. Site Development Regulations.

1. Paved Sidewalks, driveways and parking areas are required.
2. Screening of loading and storage facilities is required.
3. A portable or temporary building of less than 500 square feet shall be allowed only when incidental to the construction of a permanent structure and shall be removed when the permanent structure is completed.

### C.

2.

## **Restricted Commercial - District "C-1"**

~~A. Purpose This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g. clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art~~

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~~studio or gallery, hobby shops and florist shops, and the retail sale of goods and products (in the following listed use areas) to which value has been added on-site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following:~~

~~1.—Listing of types of businesses~~

### **B.—Conditions and Limitations:**

~~1.—That it be conducted wholly within an enclosed building, except for delivery, catering, gasoline sales, nurseries and garden centers.~~

~~2.1. —That required yards and outdoor areas not be used for display, sale, vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.~~

~~3.—That all merchandise be sold on the premises, except for delivery and catering.~~

~~4.1. —That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused [by] customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.~~

~~5.—Establishments located on property that is within 300' of any property zoned for residential use when the commercial use is first established may not to be open to the general public before 5:00 a.m. and must be closed to the general public by 10:00 p.m.~~

### **C.—Site Development Regulations:**

~~1.—Paved Sidewalks, driveways and parking areas are required.~~

~~2.—Screening of loading and storage facilities is required.~~

~~3.—Portable or temporary buildings shall be permitted, subject to all applicable ordinances related thereto. A portable or temporary building of less than 500 square feet shall be allowed only when incidental to the construction of a permanent structure and shall be removed when the permanent structure is completed.~~

## **. Light Industrial - District “LI”**

A. Purpose This district is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users. The uses included primarily serve other commercial and industrial enterprises. No building or land shall be used, and no building hereafter shall be erected, maintained, or structurally altered, except for one (1) or more of the uses hereinafter enumerated. Allows assembly, packaging and manufacture of nonhazardous, non-volatile products and the following listed uses:

a. Light Manufacturing.

i. Light manufacturing, fabrication, assembly or processing of goods or materials, products or equipment.

ii. Repair, servicing, painting, packaging or cleaning of goods, materials, products, or equipment.

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- iii. Research, development and testing activities.
- iv. Warehousing and distributing operations.
- ~~v. Contractor's yard.~~
- ~~vi. Swimming pool sales and service.~~
- ~~vii. Machinery, heavy equipment or truck sales and service.~~
- ~~viii. Commercial cleaning and laundry.~~
- ~~ix-v. Wholesale distributor.~~

~~b. Tool and die shops~~

B. Conditions and Limitations.

- a. See Charts 1-4.

C. Site Development Regulations.

- a. All-weather Sidewalks, driveways and parking areas are required.

D. Performance Standards - Light Industrial Districts. All uses in the LI (Light Industrial) District shall conform in operation, location and construction to the minimum performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire, explosive and hazardous matter, and vibration.

E. Noise and Sound Standards At no point at the bounding property line of any use in an LI District may the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table.

**DECIBEL BAND LIMIT (DB RE 0.0002 MICROBAR)**

|    |    |    |    |    |    |    |    |    |
|----|----|----|----|----|----|----|----|----|
| 82 | 76 | 68 | 60 | 56 | 53 | 50 | 48 | 62 |
|----|----|----|----|----|----|----|----|----|

F. Maximum permissible daytime\* Octave Band - Decibel Limits at the bounding property line\*\* in an LI District:

Note: A scale level is provided for monitoring purposes only and is not applicable to detailed sound analysis.

\* Daytime shall refer to the hours between 7am & 7pm Monday - Saturdaysunrise and sunset on any given day.

\*\* The Building Official will interpret the bounding property line for noise enforcement as being at the nearest right-of-way or property line of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be the bounding property line.

G. The following corrections will be made to the table of Octave Band Decibel limits in determining compliance with the noise level standards in an LI District.

- a. When noise is present at night (any time other than daytime) subtract 7 decibels.
- b. When noise contains strong, pure tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract 7 decibels.

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c. Add ten (10) decibels when noise is present for not more than:

|                                     |
|-------------------------------------|
| 1/2 minute in any 1/2-hour period;  |
| 1 minute in any 1-hour period;      |
| 10 minutes in any 2-hour period;    |
| or 20 minutes in any 3-hour period. |

d. Measurement of noise is made with a sound level meter or Octave Band analyzer meeting the standards prescribed by the American Standards Association.

**H. Smoke and Particulate Matter.** No operation or use in an LI District shall cause, create or allow the emission of air contaminants which violate State or Federal environmental laws, as referenced herein: Texas Health and Safety Code Ann. **Chapt. 381 & 382**, Air Pollution Prevention and Control, 42 U.S.C.A. 67401, et seq. Open storage and open processing operations, including on-site transportation movements which are a source of wind- or air-borne dust or other particulate matter, are subject to the standards and regulations specified herein.

**Research referenced code**

**H.**

**I. Odorous Matter.** No use may be located or operated in an LI District which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold as herein set forth is determined by observation by the Building Official. In any case where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required the method and procedures as specified by American Society for Testing Materials, A.S.T.M.D. 1391-57, Entitled "STANDARD METHOD FOR MEASUREMENT OF ODOR IN ATMOSPHERES," will be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

**Research referenced code**

**I.**

**J. Flammable and Explosive Materials.** No use involving the manufacture or storage of compounds or products which decompose by detonation is permitted in an LI District except chlorates, nitrates, perchlorates [,] phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal or ~~Mayor's designee f the City~~ as not presenting a fire or explosion hazard. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose films, solvents and petroleum products is permitted only when such storage or use is approved by the Fire Marshal or Mayor's designee ~~conforms to the standards and regulations established by city ordinance.~~

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**K. Toxic and Noxious Matter.** No operation or use permitted in an LI District may emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which exceeds the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, as such regulations exist or may later be amended.

**Research referenced code**

~~K.~~

~~L.~~ **L. Vibrations.** No operation or use in an LI District may at any time create earthborn vibration which, when measured at the bounding property line of the source of operation, ~~exceed[s] the limit of displacement set forth in the following table in the frequency ranges specified.~~

| <del>FREQUENCY CYCLES PER SECOND</del> | <del>DISPLACEMENT IN INCHES</del> |
|----------------------------------------|-----------------------------------|
| <del>0 to 10</del>                     | <del>0.0010</del>                 |
| <del>10 to 20</del>                    | <del>0.0008</del>                 |
| <del>20 to 30</del>                    | <del>0.0005</del>                 |
| <del>30 to 40</del>                    | <del>0.0004</del>                 |
| <del>40 to 50</del>                    | <del>0.0003</del>                 |

~~M.~~ **M. Glare.** No use or operation in an LI District may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

### **Governmental, Utility, and Institutional district “GUI”.**

- (a) **Purpose.** This district is intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land. Uses permitted in the GUI district and other substantially similar uses generate a large amount of traffic. Land abutting a major street that can be used for access will be considered appropriate for GUI classification.
- (b) **Permitted uses.** See the chart of permitted uses in selected districts.
- Parks, playgrounds, greenbelts, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
  - Public buildings, including city occupied or owned buildings, libraries, museums, police and fire stations.
  - Schools, public and private, including housing, recreational and foodservices incidental to the school.
  - Water supply reservoirs, pumping plants, and water towers.



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- e. Wastewater treatment plants.
- f. Electrical and telephone substations.
- g. Churches with associated facilities.
- h. Hospitals (acute and chronic care) publicly or governmentally operated. (9)  
Institutions of a religious, educational, charitable or philanthropic nature; not including any jail, penal or mental institution.
- i. Nursing and convalescent homes, hospice, sanitariums and institutions for care of substance dependent persons, publicly or governmentally operated.
- j. Public utility substations and distribution centers, regulation centers, and underground stations.
- k. Conditions and limitations.
- l. Conditional uses permitted upon authorization of city council.

| Chart 1         |               |              |                          |              |                  |                |              |
|-----------------|---------------|--------------|--------------------------|--------------|------------------|----------------|--------------|
| Zoning District | Front Setback | Side Setback | Street Side Yard Setback | Rear Setback | Min. Lot SF Area | Min. Lot Width | Height Limit |
| C               | 25 ft.        | 7 ft.        | 15 ft.                   | 15 ft.       | 6,000            | 50 ft.         | 45 ft.       |
| C-1             | 25 ft.        | 10 ft.       | 15 ft.                   | 15 ft.       | 6,000            | 50 ft.         | 45 ft.       |
| O               | 25 ft.        | 5 ft.        | 15 ft.                   | 15 ft.       | 6,000            | 50 ft.         | 35 ft.       |
| LI              | 25 ft.        | 25 ft.       | 25 ft.                   | 25 ft.       | 9,000            | 80 ft.         | 45 ft.       |
| GUI             |               |              |                          |              |                  |                |              |

| Chart 2   |                                       |                                                     |
|-----------|---------------------------------------|-----------------------------------------------------|
| District  | Maximum Lot Coverage Main Building(s) | Coverage Main Buildings and All Accessory Buildings |
| C and C-1 | 60%                                   | 70%                                                 |
| O         | 50%                                   | 60%                                                 |
| LI        | 50%                                   | 60%                                                 |
| GUI       |                                       |                                                     |

| Chart 3 |
|---------|
|---------|

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| District  | Building Area - Maximum Floor Area Ratio |    | Land Area |
|-----------|------------------------------------------|----|-----------|
| C and C-1 | 1.8                                      | to | 1         |
| O         | 0.8                                      | to | 1         |
| LI        | 1.5                                      | to | 1         |
| GUI       |                                          |    |           |
|           |                                          |    |           |

| Chart 4                                                                                                                                                                             |                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Use                                                                                                                                                                                 | Number of Parking Spaces (1)                                                                             |
| Residential dwellings, single- to multi-family, and manufactured homes                                                                                                              | Two spaces minimum for each living unit, and one-half (1/2) space for each additional bedroom above two. |
| Warehouses, manufacturing plants and other similar commercial establishments not catering to the general public.                                                                    | One space per 1,000 feet of gross floor area                                                             |
| Hotels, Motels and similar transient accommodations                                                                                                                                 | One space per bedroom and one space for each two employees                                               |
| Rest homes, Hospitals, Nursing Homes, Convalescent Homes, sanitariums, and similar uses.                                                                                            | One space for each two employees, and                                                                    |
| One space for each four patient beds                                                                                                                                                |                                                                                                          |
| Bars, Cafes, Restaurants, Taverns, Nightclubs, and similar uses.                                                                                                                    | One space for every four seats provided for customer services                                            |
| Banks, Offices, financial lending institutions, gasoline stations, personal service shops, retail establishments, shopping centers and similar uses catering to the general public. | One space for each 250 feet of gross floor area                                                          |