

Village of The Hills
Proposed Comprehensive Zoning Ordinance
Draft – September 24, 2025

Note: This document is a draft of a proposed comprehensive zoning ordinance for the Village of The Hills (the “City”). If adopted it will become part of the Code or Ordinances for the City and will apply to all land within the City. This draft is posted on the public website of the City for informational purposes.

This ordinance is not in effect at this time. The City Council has scheduled a public hearing to consider the potential adoption of this ordinance for Tuesday, October 12, 2025 at 9:00 a.m. at 102 Trophy Drive, Village of The Hills, Texas.

ARTICLE 9.04
ZONING

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Division 1. Generally

§ 9.04.101 Enacting Clause.

This article shall be cited and referred to as the Zoning Ordinance of Village of The Hills, and may be referred to herein as the "zoning ordinance."

§ 9.04.102 Authority.

This zoning ordinance is established under authority of Chapter 211 of the Texas Local Government Code. The City Council shall exercise the powers of a zoning commission in accordance with Section 211.007 of the Texas Local Government Code.

§ 9.04.103 Purpose.

This zoning ordinance is established in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety, morals, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance for and of the residents of the City. All zoning regulations in this article are designed to:

- a) Lessen congestion on streets, roads and highways;
- b) Secure safety from fire, panic and other dangers;
- c) Promote health and the general welfare;
- d) Provide adequate light and air;
- e) Prevent the overcrowding of land;
- f) Avoid undue concentration of population; and
- g) Facilitate adequate provision of transportation, water, sanitary and storm sewers, schools, parks and other public requirements facilities.

§ 9.04.104 Definitions.

In this article:

- a) "Building" means: (i) the primary residential structure on a parcel in a zoning district designated for residential usage; or (ii) a structure intended for conducting commercial, nonresidential activity in a zoning district designated for commercial usage. A "building" does not include a swimming pool, fence, gate, garage, gazebo, or a secondary residential structure on a parcel in a zoning district designated for residential usage.

- b) “Comprehensive plan” means the comprehensive plan for the City adopted by the City Council in Resolution 2025-01 (February 25, 2025), including any subsequent amendments of the comprehensive plan.
- c) “Construct” or “construction” means the erection of a new building on a parcel, or the demolition and replacement of a building on a parcel.
- d) “District” means a zoning district established under section 9.04.201 of this article.
- e) “Parcel” means any tract of land lying wholly or partially within the boundaries of the City and defined by a deed or plat recorded in the real estate records of Travis County, Texas.
- f) “Person” or “owner” means a natural person; a corporation, partnership, limited liability company, trust, or any other form of entity owns a parcel. A “person” does not include the City.
- g) “Project” means the initial construction of a building or structural alteration of a building on a parcel.
- h) “Structural alteration” means a change to the external dimensions or architectural features of an existing building that increases the interior square footage of the building or changes the primary use of the building.
- i) “Subdivision ordinance” means Ordinance No. 8 adopted by the City Council on March 15, 1999, referenced in Section 9.02.001 of this Code, and including any amendments to that ordinance.
- j) “Zoning map” means the Zoning District Map of the Village of the Hills approved in Ordinance No. 2025-____, including all amendments approved as provided in section 9.04.202 of this article.
- k) “Zoning verification certificate” means a written certification issued by the City establishing that an owner of a parcel where a project is located has met the requirements of sections 9.04.302 and 9.04.401 of this article for that project.

§ 9.04.105 Relation to Private Restrictions.

- a) This article does not abrogate the land use regulations or any other part of the master declaration of the Hills of Lakeway subdivision, as amended from time to time. Provided, however, that land use or other restrictions in the master declaration of the Hills of Lakeway subdivision shall not be enforced by the City.

- b) This article does not abrogate any other deed restrictions, covenants, easements or other private agreements or restrictions on the use of land within the City existing on the effective date of this article.
- c) Where this article is more restrictive or imposes a higher land use standard than the master declaration of the Hills of Lakeway subdivision or other private restriction, the requirements of this article shall be enforced.

§ 9.04.106 Existing Non-Conforming Uses; Vested Rights.

- a) Notwithstanding any other provision of this article, this article does not prohibit any use of a parcel, or prohibit any building on a parcel, that was in existence as of the effective date of this article, and the continued existence of any such existing use or building is not an offense under this article.
- b) A project vested under Article 245 of the Texas Local Government Code prior to the effective date of this article may be developed under the regulations in effect at the time of vesting of the project, and any part of such project upon completion shall be deemed a building or ancillary structure in existence on the effective date of this article under subsection (a).
- c) Subpart (a) of this section does not apply to any change in land use, or to any modification, reconstruction, restoration, or other alteration of a building or structure occurring after the effective date of this article.

§ 9.04.107 Offenses; Enforcement.

- a) It shall be unlawful for a person to violate a prohibition in section 9.04.302 of this Article.
- b) A person who violates subsection (a) of this section commits a misdemeanor and upon conviction shall be punished by a fine of not more than two thousand dollars (\$2,000) per violation. Each day a person who violates subsection (a) or (b) of this section allows a use, building, or ancillary structure constructed in violation of subsection (a) or (b) to continue in existence shall constitute a separate offense.
- c) This article may be enforced through civil or criminal action as provided by state law and the ordinances of the City.

§ 9.04.108 Effective Date.

This article shall become effective from and after its adoption and publication as required by law.

Division 2. Zoning Districts; Zoning Map; Permissible and Conditional Uses.**§ 9.04.201 Establishment of Zoning Districts.**

To provide for the orderly use of land and location of buildings and other structures within the City, and to regulate the design features of buildings and land in accord with the purposes of this article, the following zoning districts are hereby created:

Abbreviated Designation	Zoning District
SF	Single-Family Residential
RM	Residential Multi-Family
C	Commercial
PG	Parks & Greenbelts
REC	Recreational
CP	Community Purpose

§ 9.04.202 Zoning Map.

- a) The boundaries of each zoning district are delineated and shown on the zoning map.
- b) The zoning map, together with all notations, references, dimensions, designations and other information shown on the zoning map, shall be maintained and kept current by the City Administrator, and shall be available to the public upon reasonable notice during business hours.
- c) The City Council may approve changes or amendments to the zoning map by ordinance as provided in this section. No change to the zoning map shall be effective unless approved by affirmative vote of at least three-fourths of the City Council members present and voting.
- d) The City Council may by ordinance clarify any ambiguity or dispute concerning zoning district boundaries on the zoning map.
- e) If any change in the City's boundaries results in all or part of a parcel added to the City that does not lie within any zoning district on the zoning map, the zoning designation for such parcel shall be single-family residential unless otherwise provided in the ordinance changing the City's boundaries.

§ 9.04.203 Zoning District Definitions.

The zoning designations applicable to parcels in each zoning district have the general meanings as indicated:

- a) **Single-Family Residential.** Use of parcels in the single-family residential (SF) zoning district is limited to no more than one single-family residence per parcel.
- b) **Residential Multi-Family.** Use of parcels in the residential condominium (RM) zoning district may include, in addition to uses appropriate in the SF zoning district, a residential condominium regime established under Chapter 82 of the Texas Property Code.
- c) **Commercial.** Use of parcels in the commercial (C) zoning district may include, in addition to uses appropriate in the SF zoning district, the operation of a for-profit or nonprofit business enterprise conducted in accordance with applicable state and local laws and licensing requirements and subject to the restrictions in this Code.
- d) **Parks & Greenbelts.** Use of parcels in the Parks & Greenbelts (PG) zoning district include uses whose primary visual attribute is undeveloped land with natural features and vegetation that provide serenity and well-being to residents of the City, and does not include permanent residential structures of any type.
- e) **Recreational.** Use of parcels in the recreational (R) zoning district is limited to uses supporting primarily recreational activities such as golf, swimming, tennis, and hiking, including appropriate ancillary uses associated with such recreational activities.
- f) **Community Purpose.** Use of parcels in the community purpose (CP) zoning district includes governmental and related uses in support of the City, its residents, and its infrastructure, and which are not commercial or for-profit enterprises.

§ 9.04.204 Permissible and Conditional Land Uses; Definitions.

- a) Land uses within a zoning district may be either permissible uses or conditional uses, which in this article have the following meanings:
 - i. A “permissible use” is a pre-approved land use that is compatible with other permissible uses for parcels within the same zoning district.
 - ii. A “conditional use” is a land uses that is not pre-approved as compatible with other uses for parcels within the same zoning district but may be compatible in individual instances. A conditional use requires City Council approval of the use for a specific

parcel. Approval of a conditional use is site-specific and does not constitute approval or precedent for that use on any other parcel.

§ 9.04.205 Permissible and Conditional Uses in Zoning Districts.

- a) The following table incorporates the general land use definitions in sections 9.04.203 and 9.04.204 and defines the permissible and conditional land uses that apply to parcels in each zoning district:

Zoning District	Permissible Uses	Conditional Uses
Single-Family Residential (SF)	<ul style="list-style-type: none"> one single family dwelling per parcel 	<ul style="list-style-type: none"> residential duplex (1-acre minimum lot size)
Residential Multi-Family (RM)	<ul style="list-style-type: none"> one single family dwelling per parcel; residential duplex (1-acre minimum lot size) residential condominium having fewer than 8 units and minimum 3-acre parcel size 	<ul style="list-style-type: none"> apartment building having no more than 5 units fewer than 12 units and minimum 4-acre minimum parcel size
Commercial (C)	<ul style="list-style-type: none"> clubhouse for private country club licensed restaurant or food service establishment (minimum seating capacity of 10) licensed bed and breakfast facility administrative offices 	<ul style="list-style-type: none"> Ancillary uses related to or supporting a permissible commercial district use
Parks & Greenbelts	<ul style="list-style-type: none"> hiking path nature trail reflecting pond open space 	<ul style="list-style-type: none"> Ancillary uses related to or supporting a permissible parks & greenbelts district use
Recreational (R)	<ul style="list-style-type: none"> golf course tennis/pickleball courts fitness center swimming pool hiking trail 	<ul style="list-style-type: none"> Ancillary uses related to or supporting a permissible recreational district use

Zoning District	Permissible Uses	Conditional Uses
Community Purpose (CP)	<ul style="list-style-type: none"> • Uses supporting the public purposes of the Village of The Hills • Uses related to the public purposes of the Hurst Creek Municipal Utility District • Uses related to the business of the Hills of Lakeway Property Owners Association 	<ul style="list-style-type: none"> • other non-commercial use related to support of the city, its residents, and/or its infrastructure

§ 9.04.206 Zoning Designations for Parcels.

- a) All parcels lying within a district on the zoning map shall have and carry the zoning designation for that district for all purposes under this article.
- b) If a parcel lies in more than one district on the zoning map, the entire parcel carries the more restrictive zoning designation.

Division 3. Land Use Regulations Applicable in All Districts

§ 9.04.301 Restriction on Land Uses. No building shall be constructed or structurally altered, nor shall any building or parcel be used for any purpose, except as permitted by this article for the district in which the building or parcel is located, or as approved by the City Council under this article.

§ 9.04.302 Prohibition on Construction Without Zoning Verification Certificate. An owner is prohibited from beginning or continuing construction on a project or permitting another person to take any such action unless the owner has first received a zoning verification certificate from the City for the project.

§ 9.04.303 Division and Subdivision of Parcels. An owner of a parcel shall not divide or subdivide the parcel into two or more parcels unless:

- a) The owner has first complied with the plat approval procedures in the subdivision ordinance;
- b) The City Council approves by ordinance the preliminary and final plats of the division or subdivision as provided in the subdivision ordinance; and

- c) The City Council finds that the division or subdivision of the parcel is consistent with the comprehensive plan and with the land uses established in this article for the district or districts in which the parcel is located.

§ 9.04.304 Building Restrictions.

- a) No building in a single family residential or residential multi-family zoning district shall have a roof height greater than 28 feet as determined by the difference between the elevation of the finished floor of the lowest level of the building and the elevation of the highest point of the building.
- b) No residential structure in any zoning district shall be constructed with a finished, air-conditioned space for each residence of less than the minimum square footage applicable to such parcel as shown in Section 5.2 of the Architectural Committee Rule Book for the Hills of Lakeway Property Owners Association recorded in the real estate records of Travis County on April 6, 2023. In the event a parcel is not assigned a minimum square footage in Section 5.2, the minimum square footage applicable to the closest parcel assigned a minimum square footage in Section 5.2 shall apply to the parcel.

Division 4. Procedures for Zoning Verification Certificates

§ 9.04.401 Zoning Verification Certificate Requirements.

- a) A zoning verification certificate is required for any construction or structural alteration of a building that meets the definition of a project under section 9.04.104(i) of this article.
- b) A zoning verification certificate is not required for:
 - i. An interior change or modification to a building; or
 - ii. An exterior change to a building that is not a structural alteration under section 9.04.104(j) of this article.
- c) The City shall determine the format and content of a zoning verification certificate.

§ 9.04.402 Authority to Issue Zoning Verification Certificate.

- a) The Mayor or City Administrator may approve and issue a zoning verification certificate for a project which is a permissible use for that parcel.
- b) The City Council may approve and issue a zoning verification certificate for a project which is a conditional use for that parcel.

§ 9.04.403 Procedure for Requesting Zoning Verification Certificate.

- a) An owner of a parcel may initiate a request for a zoning verification certificate by submitting a written or online application on a form provided by the City. The application shall be signed by the owner and shall include:
 - i. A statement that the owner intends the project to be a permissible use or conditional use;
 - ii. A statement of whether the owner has received approval for the project from the Architectural Committee of the Hills of Lakeway Property Owners Association as provided in Article 8.04 of the Hills of Lakeway Amended Master Declaration of Covenants, Conditions and Restrictions filed with the Travis County Clerk on November 3, 2004;
 - iii. If the owner has received approval for the project from the Architectural Committee of the Hills of Lakeway Property Owners Association, a copy of any notice showing such approval; and
 - iv. Such other relevant information about the project as the City shall determine.
- b) An application for a zoning verification certificate is deemed complete when the owner has:
 - i. Submitted a completed application form to the City; and
 - ii. Provided any additional information about the project requested by the City in addition to the application.
- c) The City may adopt additional administrative practices not inconsistent with this article to facilitate the administration of zoning verification certificates.

§ 9.04.404 Approval of Zoning Verification Certificate Applications.

- a) Upon receipt of a completed application for a zoning verification certificate, the City shall evaluate and act on the application in accord with this section.
- b) If the owner has received approval for the project from the Architectural Committee of the Hills of Lakeway Property Owners Association, the Mayor or City Administer shall approve the application and issue a zoning verification certificate to the owner.
- c) If the owner has not received approval for the project from the Architectural Committee of the Hills of Lakeway Property Owners Association:

- i. The City shall determine whether the project is a permissive use or conditional use, is consistent with the comprehensive plan, and complies with the requirements of this article;
 - ii. If the City determines that the project is a permissible use, is consistent with the comprehensive plan, and complies with the requirements of this article, the Mayor or City Administrator shall approve the application and issue a zoning verification certificate for the project to the owner.
 - iii. If the City determines that the project is a conditional use, is consistent with the comprehensive plan, and complies with the requirements of this article, the City Council may approve the application and issue a zoning verification certificate for the project to the owner, including any conditions or limitations on the approval as the Council determines to be in the best interests of the City and its residents.
 - iv. If the City Council determines that the project is not a permissible use or conditional use, or is not consistent with the comprehensive plan, or is not consistent with the zoning requirements of this article, the City shall deny the application, notify the owner in writing of that determination, and advise the owner of their right to appeal that determination as provided in section 9.04.407.
- d) The City may consider only the following factors in determining whether a project is consistent with the comprehensive plan and the zoning requirements of this article:
- i. Whether the project is consistent with the comprehensive plan, including without limitation the City's future land use objectives identified in the comprehensive plan;
 - ii. Whether the project is a permissible or conditional use for the district in which the parcel is located;
 - iii. The effect of project (if completed) on neighboring property values and the quiet enjoyment of City residents near the project;
 - iv. The feasibility of completing the project as described in the zoning verification certificate application; and
 - v. Whether the owner has complied with the requirements in Division 3 of this article applicable to the project.

Division 5. Variances.

§ 9.04.501 Variance Definition and Standards.

- a) A variance is a site-specific approval by the City Council permitting one or more uses of a parcel that vary from the zoning district requirements in Division 2 of this article.
- b) The City Council may approve an application for a variance only if each of the following conditions are met:
 - i. The Council finds that due to special circumstances involving a parcel, strict enforcement of the zoning requirements of this article would result in an unnecessary and undue hardship to an owner of the parcel;
 - ii. If granted, the variance will not be detrimental to the health, safety, or welfare of the residents of the City;
 - iii. If granted, the variance would not be inconsistent with the City's future land use objectives as identified in the comprehensive plan; and
 - iv. The variance is approved by at least three-fourths of the Council members present and voting.
- c) The following conditions are deemed insufficient to constitute an unnecessary and undue hardship under subsection (b)(i):
 - i. Economic disadvantage to the owner;
 - ii. An owner's disappointment in learning that their desired use is inconsistent with the permissible and conditional uses available in the district where the parcel is located;
 - iii. Ignorance of the requirements of this article when the parcel was acquired;
 - iv. A condition affecting the personal situation of an owner and not the parcel; or
 - v. An owner's desire for particular architectural features.

§ 9.04.502 Procedures for Requesting a Variance.

- a) An owner of a parcel may initiate a request for a variance by submitting an application on a form provided by the City. The application shall include such relevant information about the requested variance as the City shall determine. The City may require information about the requested variance in addition to information provided in the application form.

- b) An application for a variance is deemed complete when the owner or owner's agent has submitted a completed variance application form and provided any additional information requested by the City.
- c) The City shall notify the owner in writing of the date the variance application is deemed complete.
- d) Upon determining that a variance application is deemed complete, the City shall take the following actions, all to conform to the requirements of applicable law:
 - i. Cause a notice of the variance application to be published in a newspaper of general circulation in the City;
 - ii. Mail written notice of the variance application to all owners of property within 200 feet of the owner's parcel advising of the variance application and providing notice of the date, time, and location of the hearing on the variance application described in subsection (e); and
 - iii. Prepare and furnish a report to the City Council concerning the need and effect of granting the requested variance.
- e) The City shall schedule a hearing to consider and act on the variance request, which may occur at a regular City Council meeting or at another time as provided by law. At the hearing:
 - i. The Council shall review the report prepared in subsection (d)(iii) of this section;
 - ii. The public may attend and provide information on the need and effect of the variance; and
 - iii. The owner may attend and provide information on the need and effect of the variance.

§ 9.04.503 Council Action on Variance Request.

- a) Following close of the hearing described in section 9.04.402(c), the City Council shall deliberate in open session and approve or deny the variance request in accordance with the standards in section 9.04.501.
- b) The Council may condition approval of a variance request on the owner's agreement to such conditions or stipulations as the Council determines appropriate and consistent with the comprehensive plan.

Division 6. Appeals from Zoning Verification Certificate Determinations and Variance Determinations

§ 9.04.601 Appeals Procedures.

- a) An owner may appeal a decision by the City to deny an application for a zoning verification certificate or application for a variance by submitting written notice to the City Administrator. The City may specify a form or format for such written notice.
- b) The written notice in subsection (a) must specify the decision of the City that is appealed, include the date of the City's decision, and state the factual basis for the owner's appeal.
- c) The written notice in subsection (a) must be received by the City Administrator no later than 10 business days following the date of the decision that is the subject of the appeal.
- d) The requirements of subsections (a)-(c) of this section are strictly construed, and any appeal not in compliance with those requirements is void and will be dismissed.
- e) Upon receipt of a timely appeal in proper form, the City will place the appeal on the agenda for the next regular meeting of the City Council at which the appeal can be heard. At the meeting in which the City Council considers the appeal:
 - i. The owner may appear in person, or by representative, and may present information to the City Council about the project or requested variance, including documents, photographs, verbal or written testimony, or other information the Council determines relevant; and
 - ii. Other persons may appear in person, or by representative, and may present information to the City Council about the project or requested variance, including documents, photographs, verbal or written testimony, or other information the Council determines relevant.
- a) The City Council shall conduct the appeal informally but consistent with the decorum rules for City Council meetings with the goal of informing the Council of all information relevant to the issues in the appeal.
- b) The City Council shall determine an appeal by majority vote. In an appeal from the denial of an application for a zoning verification certificate, the Council shall apply the criteria in section 9.04.404(d). In an appeal from the denial of an application for a zoning variance, the Council shall apply the criteria in section 9.04.501.
- c) In all cases, the issue for decision in an appeal is whether the City should approve the zoning verification certificate or variance request. The Council may condition approval of

a zoning verification certificate or variance on agreement by the owner to conditions or stipulations as the Council determines appropriate for the project, but may not vary from the requirements of this article.

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