

ORDINANCE NO. 723

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 509, PLANNED UNIT DEVELOPMENTS, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE RELATING TO THE APPROVAL AND REGULATION OF PLANNED UNIT DEVELOPMENTS WITHIN THE BUSINESS DISTRICTS OF THE CITY.

WHEREAS, pursuant to Section 705 of the Hedwig Village Planning and Zoning Code, the City Council of the City of Hedwig Village, Texas and the Planning and Zoning Commission of the City of Hedwig Village, Texas have held a joint public hearing to consider a possible amendment to the Hedwig Village Planning and Zoning Code; and

WHEREAS, pursuant to Section 710 of the Hedwig Village Planning and Zoning Code, the Planning and Zoning Commission of the City of Hedwig Village, Texas submitted its written recommendation to the City Council of the City of Hedwig Village, Texas concerning a proposed amendment to Article V, Zoning Regulations, Section 509, Planned Unit Developments, of the Hedwig Village Planning and Zoning Code; and

WHEREAS, pursuant to Sections 711 and 712 of the Hedwig Village Planning and Zoning Code, the City Council of the City of Hedwig Village, Texas, has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendment to the City's Planning and Zoning Code relating to approval and regulation of planned unit developments within the Business Districts of the City; and

WHEREAS, the City Council of the City of Hedwig Village, Texas, has concluded that an amendment should be made to Article V, Zoning Regulations, Section 509, Planned Unit Developments, of the City's Planning and Zoning Code and that the proposed amendment is in compliance with the comprehensive plan of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. The Recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

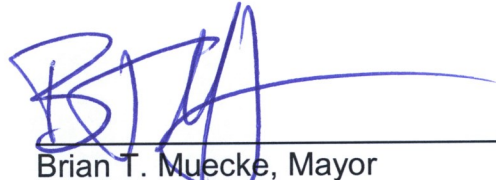
Section 2. Article V, Zoning Regulations, Section 509, Planned Unit Developments, of the Planning and Zoning Code of the City of Hedwig Village, Texas is amended to read as set out in Appendix A, attached hereto. All other portions of the Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.


Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED and ADOPTED this, the 12th day of July, 2018.



Brian T. Muecke, Mayor
City of Hedwig Village, Texas

ATTEST:



Kelly Johnson, City Secretary
City of Hedwig Village, Texas

Appendix A

Appendix A – PLANNING AND ZONING CODE

Article V. – ZONING REGULATIONS

Section 509. Planned Unit Developments

A. General Provisions.

1. Purpose. A Planned Unit Development (PUD) is intended to provide for combining and mixing uses into integral land use units such as office, commercial, and retail centers and to provide flexibility in development regulations; or any appropriate combination of uses which may be planned, developed or operated as integral land use units, whether by a single owner or a combination of owners in substantial compliance with the City's comprehensive plan.
2. Location. A PUD may be established within the Business Districts in accordance with the procedures and requirements of this Section.

B. Specific Provisions.

1. Generally. The PUD is an overlay in the Business District in which it is approved. The underlying Business District Zoning continues to the extent not specifically modified by the provisions of the PUD.
2. Permitted Uses. The uses to be permitted in any specific PUD shall be those permitted in the Business District in which the PUD is located as well as such uses enumerated in the ordinance which creates such PUD, provided, however, that those uses prohibited by Section 506 A2 of the Code shall not be permitted. Any proposed amendment to the uses permitted within a specific PUD shall be submitted for approval in the same manner as the original PUD.
3. Size and Numbers. In order to encourage the development of property as harmonious units, a minimum of one and a half (1-1/2) acres shall be required to be included with a PUD and no more than four (4) PUDs may be established within each Business District.
4. Building Height. No building within the PUD, including anything attached thereto, except a parapet not to exceed four (4') feet in height, nor anything constructed for use in conjunction therewith, nor any other structure or device of any sort, shall exceed the height permitted for the Business District in which the PUD is located except that, within Business Districts B3 and B4 the following building height may be permitted:
 - a. Forty-two (42') feet above average natural grade within 200 feet of the nearest point of any residential lot in district A or C; or
 - b. Fifty-six (56') feet above average natural grade at distances greater than 200 feet from the nearest point of any residential lot in district A or C; or

- c. Eighty-one (81') feet above average natural grade at distances greater than 300 feet from the nearest point of any residential lot in district A or C.

5. Percentage Retail Requirement. At least thirty (30%) percent of the first floor net leasable area of the buildings, except parking garages, located within the PUD must be permanently devoted to one or more sales and use tax generating uses. Such percentage may be calculated on a per-building basis or as an aggregate of all buildings with the PUD.

6. Design Guide. Development within the PUD shall conform to the provisions of the City's Design Guide for PUD Development.

C. Application Requirements/Procedure.

1. General. The steps necessary for creation of a PUD are as follows:

- a. Pre-application conference between the applicant and the City Administrator or his or her designee.
- b. Submission of the formal application with all required material.
- c. Public hearings held in accordance with the requirements of this Code.

2. Pre-Application Conference. An applicant for a PUD shall schedule a pre-application conference with the City Administrator or his or her designated representative prior to the formal submission of the application materials.

At the pre-application conference, the applicant shall provide a preliminary drawing that includes, but is not limited to the following:

- a. Delineation of site boundaries;
- b. General Site layout and conditions indicating relationship of proposed land uses, parking, and street layout(s);
- c. Project Renderings, project description and/or narrative demonstrating compliance with the Design Guide; and
- d. A traffic study as requested by the City.

Based on the information provided by the applicant, the City Administrator or his or her designee shall provide initial comments to the applicant concerning the merits of the proposed development and provided any other information necessary to process the application.

3. Application Submission. Any person, group of persons, or corporation having a legal or equitable interest in any property may file an application for a PUD. Such

application shall be submitted and processed in accordance with the procedures of this Section and shall include as a minimum:

- a. An application fee of \$10,000 or as set forth in the City's Schedule of Fees;
- b. Proof of ownership. If all land to be included with the PUD is not under common ownership, applicant must provide an agreement executed by all owners consenting to the creation of the PUD and agreeing to abide by the terms of creation;
- c. A legal description of the PUD prepared by a Texas licensed surveyor including a map of the PUD area suitable for reproduction and a digital file of same;
- d. A site plan showing the layout of proposed building, lighting, parking, streets, walkways, site amenities, green space and landscaping;
- e. Utility information detailing the projected utility needs of the PUD and the anticipated source for such utilities;
- f. A drainage plan showing the anticipated drainage needs of the PUD and the proposed mitigation for such drainage;
- g. A parking plan for the PUD;
- h. A traffic study, unless waived by the City, detailing traffic impacts, including during peak hours of nearby businesses, schools, and religious institutions, and proposed mitigation for all roadways and major intersections within ½ mile of the project; and
- i. A development schedule for completion of all construction.
- j. A list of variances requested from current City Zoning Ordinances and the Design Guide.

4. Formal Public Hearing. The PUD Application must be preliminarily approved by the Hedwig Village Building Official and shall be presented by the PUD Applicant to the Planning and Zoning Commission at either a regular or special called meeting prior to any hearing on the Application.

The Planning and Zoning Commission and the City Council shall hold an advertised joint public hearing in accordance with the procedures set forth in Article VII, of this Code for Zoning amendments. At the public hearing the PUD Applicant shall present an overview of the project to the public prior to citizen comments. This presentation should include the General Site layout and conditions indicating relationship of proposed land uses, parking, and street layout(s) and a Project Rendering with a

project description and/or narrative. In addition to the publication of notice required by Article VII, notice of the joint public hearing shall be mailed to all property owners of the City at least ten (10) days before the date of the hearing.

Following the conclusion of the public hearing, the Planning and Zoning Commission shall make its recommendation to the City Council in accordance with the standard procedures for a change of zoning. The Planning and Zoning Commission may recommend, and the City Council may approve the request for a PUD as submitted or with modifications thereto; any such approval, however, is at the sole discretion of the City Council.

5. Approval. If approved by City Council, the ordinance establishing a PUD shall specify such height, floor area, density, site coverage, set back, landscaping, off-street parking, signage, drainage and all other standards as are appropriate for the development which are considered necessary to protect the health, safety and general welfare, and to create a reasonable transition to, and protection from, property adjacent to the PUD. The City Council shall have authority to adjust the City's standard storm water requirements with appropriate mitigation.

Every PUD approved under the provisions of this Section shall be considered an amendment to the Hedwig Village Planning and Zoning Code and applicable only to the property that comprises the PUD.

D. Development Schedule.

1. A development schedule shall be submitted by the Applicant indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule shall, if adopted and approved by the City Council, become part of the ordinance creating such PUD, and shall be adhered to by the owner, developer, and successors in interest.

In carrying out the development of a PUD, the development conditions and the development schedule shall be complied with. Such conditions as are specified for the development of a PUD shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

2. The Planning and Zoning Commission or the City Council may, if in their opinion, the owner or owners of the property are failing or have failed to meet the approved schedule, and such failure continues for another ninety (90) days after receipt of written notice, initiate proceeding to amend or repeal the ordinance creating the PUD. Such action shall occur in accordance with the procedures of the City's Zoning Code. Upon the recommendation of the Commission, and for good cause shown by the owner or developer, the City Council may extend the development schedule or adopt such new development schedule as may be indicated by the facts and conditions of the case.

E. Amendment To Planned Unit Development.

Any major amendment, supplement, deletion or modification to a PUD may be granted upon application by any person, group of persons or corporation having a legal or equitable interest therein. Any application for such amendment, supplement, deletion, or modification shall contain the information specified in the Section and shall be processed in accordance with the procedures set forth herein for new applications. The City Administrator or his or her designee may authorize minor modifications that:

- a. Do not alter the basic relationship of the proposed development to adjacent property;
- b. Do not alter the uses permitted;
- c. Do not increase the maximum density, floor area, height, or site coverage;
- d. Do not decrease the amount of off-street parking; and
- e. Do not reduce the minimum yards or setbacks.

An applicant may appeal the decision of the City Administrator or his or her designee to the Commission for review and decision.