

ORDINANCE NO. 2023-015

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HITCHCOCK, TEXAS AMENDING THE CODE OF ORDINANCES TITLE XV ENTITLED “LAND USAGE”, ARTICLE IV ENTITLED “ZONING DISTRICTS” BY AMENDING SECTION 156.76 – ENTITLED “PLANNED UNIT DEVELOPMENT DISTRICT” AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Hitchcock is authorized to regulate ordinances pursuant to Texas Local Government Code;

WHEREAS, the City Council of the City of Hitchcock, Texas needs to amend the Code of Ordinance Title XV Entitled “Land Usage”, Article IV Entitled “Zoning Districts” by amending Section 156.76 Entitled “Planned Unit Development District”; and

WHEREAS, pursuant to TEX. LOCAL GOV’T. CODE § 211.001 *et seq.* and TEX. LOCAL GOV’T. CODE § 214.001 *et seq.*, the City of Hitchcock is authorized to adopt planned unit development zones to facilitate innovation and respond to specific site conditions in residential, commercial, and industrial construction; and

WHEREAS, the City Council determines that amending Title XV, Article 156, Section 156.76, will promote the health, safety and welfare of the City;

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

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life. The City of Hitchcock’s Code of Ordinances, Title XV Entitled “Land Usage”, Article IV Entitled “Zoning Districts” by amending Section 156.76 Entitled “Planned Unit Development District” is hereby amended by deleting in its entirety all the existing language in Section 156.76 and replacing it with the following:

Sec. 156.76 - Planned Development District – PD

(A) Purpose: This district is created to accommodate planned associations of uses developed as integral land use units, either of single-family and multifamily residential, mixed residential and commercial uses, or industrial and commercial uses. It is designed to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces, circulation patterns, and parking facilities in order to best utilize the special features of topography, size, or shape. Although more flexible than standard zoning districts, PD districts shall include features rendering them superior in design to standard districts and shall in no instance be utilized with the intent

of circumventing the standard zoning regulations. Development of a PD district includes an expectation to incorporate nature-based solutions as sustainable planning, design, environmental management, and engineering practices that weave natural features or processes into the built environment to build a more resilient community.

(B) Zoning application process: The creation of a PD district shall be initiated by the submittal of a standard zoning application. In addition to the information normally required in an application, the applicant shall provide a list of permitted land uses or identify a standard zoning district in the city that has the same permitted uses as the proposed PD. This land use information will be included in an ordinance which is required for rezoning of the property. The decision by the commission and council to approve the ordinance/rezoning shall be predicated on the following:

- (1) Conformance with the City's comprehensive plan;
- (2) The general compatibility of the proposed uses with surrounding uses and zoning districts;
- (3) Attributes of the property lending it to PD zoning. These attributes normally include relatively large size (in no case less than 10 acres) and prominent location (on a major road or waterway, for example) and may also include other unique physical characteristics.
- (4) Specific incorporation of Low Impact Development/Nature-Based Solutions that provide enhanced flood protection and increased open space with aesthetic appeal and recreational opportunities.

(C) Development plan approval process: In order for creation of a PD district to occur, a development plan must first be submitted to the City. This may be done simultaneously with the rezoning application or separately. The plan must receive a recommendation from the Planning and Zoning commission and approval by the City Council in order to move forward through the typical building permit process. Approval or disapproval of a plan shall be based on its possession or lack of elements rendering it superior in design compared to what would be required in a standard zoning district. At a minimum, the following information must be provided in the submittal:

- (1) Statement of project intent.
- (2) General land use and/or site plan.
- (3) FEMA Special Flood Hazard Area designation(s)
- (4) Engineered drainage studies including detention requirements
- (5) Environmental study documenting the impact of the development on the coastal wetlands and its inhabitants.

- (6) Lot size and coverage calculations.
- (7) Property setback specifications.
- (8) Driveway and parking locations.
- (9) Fencing and screening wall locations, if applicable.
- (10) Dumpster locations and screening provisions, if applicable.
- (11) Pedestrian amenities and special features such as trails and bike paths.
- (12) Lighting plan and/or provisions.
- (13) Landscape plan and provisions, including trees, shrubs for parking lot screening, green space, and parking setbacks.
- (14) Building elevations, if applicable.
- (15) Building design criteria, including requirements for exterior materials and fenestration.
- (16) Definition of Community Association responsible for maintenance of common areas.
- (17) Signage plan and requirements.
- (18) Definitions.

(D) Expiration: An approved PDD site plan shall lapse and be of no further force and effect if a final subdivision plat is not submitted for approval by the Planning and Zoning Commission within three (3) years of the date of adoption of the PDD site plan by City Council. Upon application, the City Council may grant one extension of this time limit of up to two years. The failure to initiate development by filing a final subdivision plat within the approved time period shall void the PDD site plan, and no building permits shall be issued, and no utility connections shall be made until a new or revised PDD site plan has been resubmitted and approved. In the case of a PDD which is divided into phases, each section following the first phase to be developed must be initiated by the submission to the Community Development Director of a final subdivision plat for that phase, for approval by the Planning and Zoning Commission and the City Council, within (3) years of the date of approval by the City Council of the final subdivision plat for the previous phase. Failure to initiate development of a second or later phase within this time period shall void the PDD site plan with respect to the undeveloped phases, but development may continue in previously initiated phases. An applicant may seek to reinstitute a PDD site plan or to otherwise rezone property with an expired site plan by submitting an application for a

zoning amendment as provided in Article III, Chapter 155 of this Code.

(E) Additional PD district regulations:

(1) Apartment developments in a PD district shall meet the following requirements:

(a) Maximum of 180 units/14 units per acre.

(b) Each apartment unit will have enclosed storage for at least 1 conventional motor vehicle.

(c) Exterior not less than 95 percent masonry exclusive of doors and windows. In this section, masonry means brick, stone, cementitious stucco, or a combination thereof. Hardi-board and/or Hardi-plank do not qualify as masonry. Masonry shall not be painted.

(2) Developers of condominiums shall provide the zoning official with documentation of the recorded condominium declaration prior to the occupation of any units in the development.

(3) Utilities:

(a) All privately owned utilities shall be placed underground.

(b) All publicly owned utilities (electrical, telephone, cable TV ext.) will be installed along the rear lot line whenever possible.

Section 2. This ordinance shall be cumulative of all provisions of the City of Hitchcock, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. It is hereby declared to be the intention of the City Council of the City of Hitchcock that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. All rights and privileges of the City of Hitchcock are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. This Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

PASSED AND APPROVED this the 31st day of July 2023.



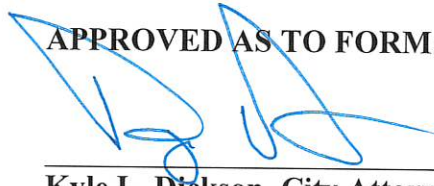
Christopher E. Armacost, Mayor
City of Hitchcock

ATTEST:



Debbie C. Nesbitt, City Secretary
City of Hitchcock

APPROVED AS TO FORM:



Kyle L. Dickson, City Attorney
City of Hitchcock