

ORDINANCE NO. 703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 506, BUSINESS DISTRICT B, SUBSECTION B, HEIGHT OF IMPROVEMENTS TO PROPERTY, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE RELATING TO BUILDING HEIGHT WITHIN THE CITY'S BUSINESS DISTRICT.

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 506, Business District B, Subsection B, Height of Improvements to Property 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 building height within the City's Business District; and

WHEREAS, the City Council of the City of Hedwig Village, Texas, has concluded that a change in circumstances or conditions exists warranting an amendment to Article V, Zoning Regulations, Section 506, Business District B, Subsection B, Heights of Improvements to Property 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 506, Business District B, Subsection B, Height of Improvements to Property, 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 10 day of August, 2017.



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

ATTEST:



Kelly Johnson, City Secretary
City of Hedwig Village, Texas

Appendix A

B. *Height of improvements to property.*

1. *Parking surfaces.* Parking surfaces shall be allowed to the maximum height permitted in section 506.B.3 in business district B-1, 506.B.4 in business district B-2, and 506.B.5 in business districts B-3 and B-4 provided that in such buildings automobiles and interior lighting are screened from public view with building materials used in the main building. The appearance of the parking facility shall also be compatible with the main building.
2. *Attachments to buildings.* Nothing attached to a building nor anything constructed for use in conjunction therewith nor any other structure or device of any sort shall exceed ten feet above the roof of a building not including its parapet. Except for a parapet not to exceed four feet in height above the roof of a building, nothing attached to a building nor anything constructed for use in conjunction therewith nor any other structure or device of any sort shall exceed in height the maximum building height specified in sections 506.B.3, 506.B.4, and 506.B.5 of this code.
3. *District B-1.* No building in district B-1, including anything attached thereto, except a parapet not to exceed four feet in height, nor anything constructed for use in conjunction therewith, nor any other structure or device of any sort, shall exceed 35 feet in height above average natural grade.
4. *District B-2.* No building in district B-2, including anything attached thereto, except a parapet not to exceed four feet in height, nor anything constructed for use in conjunction therewith, nor any other structure or device of any sort, shall exceed 35 feet in height above average natural grade.
5. *Districts B-3 and B-4.* No building in district B-3 or district B-4, including anything attached thereto, except a parapet not to exceed four feet in height, nor anything constructed for use in conjunction therewith, nor any other structure or device of any sort, shall exceed the following height:
 - (a) Forty-two feet above average natural grade within 200 feet of the nearest point of any residential lot in district A or C; and
 - (b) Fifty-six 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) Seventy feet above average natural grade at distances greater than 300 feet from the nearest point of any residential lot in district A or C, provided at least 20 percent of the total floor area of all buildings except parking garages in each single development is permanently devoted to one or more of the uses permitted in section 506.A.1.(b) of this code.
- ~~6. *District B-4.* No building in district B-4, including anything attached thereto, except a parapet not to exceed four feet in height, nor anything constructed for use in conjunction therewith, nor any other structure or device of any sort, shall exceed the following height:
 - (a) Forty-two 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 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 feet above average natural grade at distances greater than 300 feet from the nearest point of any residential lot in district A or C, provided at least 20 percent of the total floor area of all buildings except parking garages in each single development is permanently devoted to one or more of the uses permitted in subsection 506.A.1.(b) of this code.~~

(deletion shown by strike-out, addition shown by underline)