

## **ORDINANCE NO. 756**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 506, BUSINESS DISTRICT B, SUBSECTION D, PARKING, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE RELATING TO ALLOW AND ESTABLISH REGULATIONS FOR SHARED PARKING, VALET/SHUTTLE SERVICE AND OFFSITE PARKING WITHIN THE CITY OF HEDWIG VILLAGE, TEXAS BUSINESS DISTRICT B.**

**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 D, Parking, 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 to allow and establish regulations for shared parking, valet/shuttle service and offsite parking within the City of Hedwig Village, Texas Business District B; 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 D, Parking 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 D, Parking of the Hedwig Village Planning and Zoning Code is amended to read as set out in Appendix A, attached hereto. All other portions of the Hedwig Village

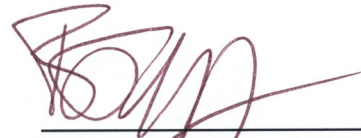
Planning and Zoning Code not specifically amended hereby remain in full force and effect.

**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 15th day of August, 2019.



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

ATTEST:



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Kelly Johnson, City Secretary  
City of Hedwig Village, Texas

## Appendix A

### Hedwig Village Planning and Zoning Code

#### Article V. - Zoning Regulations

#### Section 506. Business District B.

#### Subsection D. Parking

##### D. *Parking.*

1. *General.* Parking requirements in this code are stated as a minimum number of off-street parking spaces, exclusive of spaces available on streets, roads, and driveways. Each parking space shall constitute an area of not less than 184.5 square feet. Minimum parking space width shall be nine feet. Adequate driveways and space for traffic movement, together with unblocked space for access by emergency vehicles, shall be provided on the site. Parking spaces, areas, driveways, emergency lanes, and loading and unloading space shall be marked and maintained in a manner approved by the planning and zoning commission and shall be constructed to meet the requirements for secondary streets as provided in Ordinance No. 52, section 2(e)(3), enacted on March 29, 1961. As used herein the term "floor area" shall mean gross enclosed building area.
2. *Parking spaces.*

USE	Number of Parking Spaces Required
OFFICE	
Office	3.5 spaces/1,000 sq. ft. of GFA
Financial	4.0 spaces/1,000 sq. ft of GFA
RESIDENTIAL/Multi-family Dwelling	
Apt. - Efficiency	2.0 spaces per unit
Apt. - 1 bedroom	2.0 spaces per unit
Apt. - 2 bedroom	2.0 spaces per unit

<b>MOTEL/HOTEL</b>	
<b>Motel/Hotel</b> (additional for restaurants, auditoriums, etc. shall be provided in accordance with the parking requirements for that use)	<b>1.0 space per unit</b>
<b>HEALTH CARE</b>	
<b>Clinic/Medical or Dental</b>	<b>5.0 spaces/1,000 sq. ft of GFA</b>
<b>Veterinary</b>	<b>5.0 spaces/1,000 sq. ft. of GFA</b>
<b>RELIGIOUS AND EDUCATIONAL</b>	
<b>Church</b>	<b>1 space for every 3 sanctuary seats</b>
<b>Public, Denominational or Private Schools: See Below</b>	
<b>Elementary</b>	<b>1 space for each 12 occupants</b>
<b>Jr. High/Middle</b>	<b>1 space for each 7 occupants</b>
<b>High School</b>	<b>1 space for each 3 occupants</b>

<b>LIBRARY</b>	
Library	3.0/1,000 sq. ft. of GFA
<b>RECREATION AND ENTERTAINMENT</b>	
Park Pavilion	1 space for each picnic table
<b>RETAIL SERVICES</b>	
All Retail Services	5.0/1,000 sq. ft. of GFA
<b>Shopping Centers:</b>	
25,000 sq. ft. or less	Under 25,000 - 4.0/1,000
25,001 - 100,000 GFA	Over 25,000 - 5.0/1,000
<b>"OTHER USES IN DISTRICT B"</b>	
	5/1,000 square feet
<b>PLACES OF PUBLIC ASSEMBLY</b>	
Restaurants and other dining establishments	1 per 3 seats

Use Classification		Required Number of Parking Spaces
a.	Take Out Restaurant	7.0 parking spaces for every 1,000 square feet of GFA
b.	Coffee, Bakery and Dessert	10.0 parking spaces for every 1,000 square feet of GFA
c.	Fast Food Restaurant	12.0 parking spaces for every 1,000 square feet of GFA
d.	Restaurant (without alcohol)	13.0 parking spaces for every 1,000 square feet of GFA
e.	Restaurant (with alcohol)	15.0 parking spaces for every 1,000 square feet of GFA

3. *Loading and unloading space.* In addition to parking spaces required by section 506.D.2 of this code, a minimum of one ten-foot by 25-foot loading and unloading space shall be provided for each 10,000 square feet or fraction thereof of floor area in each establishment in district B. No more than two such spaces shall be required. Loading and unloading space shall not occupy the front yard space or drive space required elsewhere in this code.
4. *Shared Parking.* In commercial districts, a shared parking calculation may be used for any commercial property, vacant commercial property or shopping center with two or more distinguishable uses. Offsite parking may be used for up to forty percent (40%) of the required parking spaces. This parking lot must be within 500 feet of the property or within 1,000 feet if a Valet or Shuttle Service is utilized.
  - a. *Computation.* The number of shared parking spaces for two (2) or more distinguishable land uses on the same property may be determined by the following procedure:
    - i. Multiply the minimum parking required for each individual use, as set forth in the minimum parking required in Section 506(D)2., by the appropriate percentage indicated in 505(D)4.b., shared parking calculations, for each of the six (6) designated time periods;
    - ii. Add the resulting sums for each of the six time periods; and
    - iii. The minimum parking requirement shall be the highest sum among the six (6) designated time periods.

b. *Shared parking calculation.*

General Land Use Classification	Weekdays			Weekends		
	1:00 AM - 7:00 AM	7:00 AM - 6:00 PM	6:00 PM - 1:00 AM	1:00 AM - 7:00 AM	7:00 AM - 6:00 PM	6:00 PM - 1:00 AM
Educational	10%	100%	25%	0%	25%	25%
Entertainment/Theatres/Recreation	10%	60%	100%	10%	80%	100%
Healthcare	0%	100%	25%	0%	25%	0%
Health spas and exercise studios	50%	25%	100%	25%	50%	25%
Hotels	100%	55%	100%	100%	55%	100%
Offices	5%	100%	5%	0%	15%	0%
Religious/Church	0%	25%	50%	0%	100%	50%
Restaurants	20%	70%	100%	30%	75%	100%
Retail Services	0%	100%	80%	0%	100%	60%

- c. *Process.* A shared parking calculation or offsite parking lease within the requirements of this Section 505(D)4. shall be submitted during the certificate of occupancy process for a tenant or property owner if the tenant or property owner intend to use the parking calculation or offsite parking lease to satisfy the tenant or property owner's parking requirements.
- d. *Offsite parking lease.* An offsite parking lease must be submitted to the City of Hedwig Village for any offsite property being utilized for required parking. This lease must contain the minimum requirements outlined below;
- i. Lessor;
  - ii. Lessee;
  - iii. Effective date;
  - iv. End date (must be a minimum of one-year);
  - v. Number of spaces being leased or whether the lot will be utilized for shared parking;
  - vi. Times parking will be available, if applicable; and
  - vii. Site plans with parking calculations for both properties.
- e. *Notification of offsite parking lease cancellation.*

- i. In the event that an offsite parking lease is used by the lessee to satisfy the parking requirements of this Zoning Code for the lessee's property or use, the lessee shall immediately notify the City if the offsite parking lease is no longer valid and present the City's building official with the lessee's plan to satisfy the parking requirements for the lessee's property or use. A failure to notify the City shall be considered a separate violation of the Zoning Code for each day that lessee does not have the required parking in compliance with this Zoning Code and the City was not aware of the lack of compliance due to the failure of the lessee to notify the City.
    - ii. If the offsite parking lease necessary to satisfy the parking requirements is cancelled, the lessee may be found in violation of this Zoning Code for failing to meet the minimum parking requirements. Each day shall be considered a separate violation.
  - f. A sign must be posted on the leased property, notifying customers that this parking is available. This non-illuminated wayfinding sign shall be installed with a maximum size of six square feet, and must include the following information;
    - i. Name of business(es), or shopping center that is utilizing the property for off-street parking; and
    - ii. Hours available, if applicable.
5. *Valet or Shuttle Service.*
- a. In commercial districts, a valet or shuttle service may be used for any commercial property. This parking lot must be within 1,000 feet of the property.
  - b. Permit requirements for Valet or Shuttle Service Permit:
    - i. Applicants name, telephone number, mailing address, street address, name of valet company, and contact information for valet or shuttle service;
    - ii. The valet or shuttle service operator shall provide proof of liability insurance for valet or shuttle parking services for a minimum of \$500,000 garage liability insurance (each occurrence);
    - iii. Offsite parking lease as outlined in Sec. 506(4)(c), if applicable, or proof of ownership of the property to be used for the parked cars;



- iv. Site plan showing where valet or shuttle service pickup and drop-off occurs. No valet or shuttle pickup/drop-off areas will be allowed in public rights-of-ways; and
- v. Required fees as determined by the City's fee schedule.
  - (1) Valet or Shuttle Service permits must be renewed every year by December 6, or the following Monday if this date falls on a weekend.
  - (2) Renewal will provide the same information as for a regular permit, including annual fees according the City of Hedwig Village's fee schedule.

c. *Pickup/Drop-off Location.*

- i. *Valet.* A podium with the valet company identification, including phone number must be placed at the pickup and drop-off site. This is the only sign that can advertise the name of the valet or shuttle company on the subject property(s).
- ii. *Shuttle.* The pickup and drop-off locations for the shuttle service must be properly identified by a small sign and/or other notification as permitted by the Building Official.