

**ORDINANCE NO. 701**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE II, DEFINITIONS AND INTERPRETATION, SECTION 202, DEFINITIONS, AND ARTICLE V, ZONING REGULATIONS, SECTION 506, BUSINESS DISTRICT B, SUBSECTION D, PARKING OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE RELATING TO THE REGULATION OF PARKING REQUIREMENTS FOR RESTAURANTS WITHIN 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 II, Definitions and Interpretation, Section 202, Definitions, and 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 relating to the regulation of parking requirements for restaurants within the City and the proposed amendment to the City's Planning and Zoning Code relating to new parking requirements for restaurants in 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 II, Definitions and Interpretation, Section 202, Definitions, and 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 II, Definitions and Interpretation, Section 202, Definitions, and Article V, Zoning Regulations, Section 506, Business District B, Subsection D,

Parking 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 13 day of July, 2017.



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

ATTEST:



Kelly Johnson, City Secretary  
City of Hedwig Village, Texas

## Appendix A

### Section 202. Definitions.

(15.5) Coffee, Bakery and Dessert Shop. A building that contains facilities used primarily to sell a limited menu of foods and drinks such as coffee, ice cream, yogurt, custard, smoothies, cakes or cookies to the public. This type of business could include drive-through facilities or a take-out window or counter.

(23.5) Fast Food Restaurant. A commercial business located in a free-standing building or leased portion of a retail complex that contains facilities for food preparation and service to the public, and could include drive-through facilities. Fast Food is prepared in quantity by a standardized method and can be dispensed quickly at inexpensive restaurants for eating there or elsewhere.

(28.5) Gross Floor Area. Gross floor area is the total floor area inside the building envelope, including the external walls, and any Patio.

(50.5) Restaurant. A commercial business located in a free-standing building or leased portion of a retail complex that contains facilities for food preparation and service to the public, excluding drive-through service.

(50.75) Restaurant Serving Alcohol. A commercial business located in a free-standing building or leased portion of a retail complex that contains facilities for food or drink preparation and service to the public, excluding drive-through service.

(52.5) Shared Parking. The use of the same off-street parking space or spaces to satisfy the off-street parking requirements for two or more individual use classifications.

(58.5) Take-out restaurant. A restaurant that provides very limited seating for on-premises consumption of food or beverages by the public and may include a drive-through facilities or a take-out window or counter.

(addition shown by underline)Section 506. Business District B.

#### D. Parking.

##### 2. Parking spaces.

f.

	Parking/Gross Area (Spaces per 1,000 S.F.)
Restaurant occupying up to at least 20 percent of the total gross building area of a site development shall have a minimum of	12
Restaurant occupying greater than 30 percent and less than or equal to 40 percent of the gross building area of a site development shall have a minimum of	14
Restaurant occupying greater than 40 percent and less than or equal to 60 percent of the gross building area of a site development shall have a minimum of	16
Restaurant occupying greater than 60 percent and less than or equal to 80 percent of the gross building area of a site development shall have a minimum of	18
Restaurant occupying greater than 80 percent and less than or equal to 100 percent of the gross building area of a site development shall have a minimum of	20

#### **Restaurants and other dining establishments**

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

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