

ORDINANCE NO. 752

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 PLANNING AND ZONING CODE OF THE CITY OF HEDWIG VILLAGE, TEXAS TO ALLOW FOR PLANNED UNIT DEVELOPMENTS FOR SCHOOL USES IN THE RESIDENTIAL A ZONING DISTRICT.

WHEREAS, pursuant to Section 706 of the Planning and Zoning Code of the City of Hedwig Village, Texas (the "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 Planning and Zoning Code; and

WHEREAS, pursuant to Section 710 of the 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 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 of the City of Hedwig Village, Texas concerning the proposed amendment to the Planning and Zoning Code relating to Planned Unit Developments for school uses in the Residential A Zoning District; and

WHEREAS, the City Council of the City of Hedwig Village, Texas, recognizes that schools in the Residential A Zoning District are substantially different than single-family uses and that the Planned Unit Development process will permit schools to make improvements to their existing campuses while still protecting the adjacent residences;

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 All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.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

Section 6. This Ordinance shall be effective immediately upon its adoption by the City Council.

PASSED, APPROVED and ADOPTED this, 16th the day of, May 2019.

Matt Woodruff, Mayor Pro-Tem
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

509. - Planned unit developments.

A. General provisions

1. Business Districts

a. *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 develop regulations; or any appropriate combination of uses which may be planned, developed or operated as integral land use units, whether by single owner or a combination of owners in substantial compliance with the city's comprehensive plan.

b. *Location* . A PUD may be established within the business districts in accordance with the procedures and requirements of this section.

2. Residential Districts:

a. *Purpose* . A planned unit development (PUD) is intended to allow for schools on twenty-five (25) acres or more to harmoniously exist within the residential areas of the City in substantial compliance with the city's comprehensive plan.

b. *Location* . A PUD may be established within the Residential A Zoning District in accordance with the procedures and requirements of this section.

B. Specific provisions

1. Business Districts

a. *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.

b. *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.A.2. 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.

c. *Size and numbers* . In order to encourage the development of property as harmonious units, a minimum of three acres shall be required to be included with a PUD and no more than four PUDs may be established within each business district.

d. *Building height* . No building within the PUD, except a parapet not to exceed four feet in height, and any additional screening, within the rooftop footprint necessary for plumbing, mechanical equipment, or elevator overruns, 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:

- i. Forty-two feet above average natural grade within 200 feet of the nearest point of any residential lot in district A or C; or
 - ii. 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
 - iii. 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.
- e. *Green Space*: At least ten percent of the PUD site shall be dedicated to green space and outdoor site amenities.
- f. *Design Guide*: Development within the PUD shall conform to the provisions of the City's Design Guide for PUD Development.

2. Residential District A

- a. *Generally*. The PUD is an overlay in which it is approved. The underlying residential zoning continues to the extent not specifically modified by the provisions of the PUD.
- b. *Permitted Uses*. A PUD application may be made for primary and/or secondary school uses, as long as the minimum size is satisfied.
- c. *Size*. A minimum of twenty-five (25) contiguous acres is required to apply for a PUD within the Residential A Zoning District. The PUD site shall comprise the entire platted lot or lots, i.e. no portions of a platted lot unless the plat is amended or the lot replatted.
- d. *Building height*. No newly constructed building within the PUD, except any additional screening, within the rooftop footprint necessary for plumbing, mechanical equipment, or elevator overruns, shall exceed the height permitted for the Residential District in which the PUD is located, except that for buildings used as a cafeteria, classroom, laboratory or for other educational purposes, excluding athletic facilities or parking garages, the following building height may be permitted:
- i. At distances greater than three hundred seventy-five (375) feet from the nearest point of any residential lot in zoning districts A or C, a maximum of Sixty-Five (65) feet above finished floor height with a slab reveal of no greater than two (2) feet above adjacent natural grade within five (5) feet of the perimeter of the building,
- e. *Windows Above Thirty-Five (35) Feet*. No building or structure shall have placed or constructed thereon any windows above thirty-five (35) feet unless such window faces a public street abutting the PUD site or unless a variance is granted by the City Council.
- f. *Tall Building Coverage*. Notwithstanding the foregoing, the total coverage of all buildings which exceed thirty-five (35) feet in height on the PUD site shall not exceed twelve percent (12%) coverage of the PUD site.
- g. *Green Space*. At least twenty percent (20%) of the PUD site shall be dedicated to green space and outdoor site amenities.
- h. *Driveways*. No new driveway shall be constructed closer than a distance as approved by the City Council from the nearest point of any residential lot in zoning districts A or C.
- i. *Additional PUD submittal information requirements*:
- i. Residential Protection. The PUD application shall provide information from the applicant on the proposed protection for the adjacent single-family residences including, but not limited to, increased school traffic in the adjacent neighborhoods, lighting, security, and noise;

- ii. Traffic Impact Study: A Traffic Impact Study performed by a licensed engineer shall be required. The Traffic Impact Study shall include any change to traffic routing on adjacent streets, proposed mitigation for all roadways and major intersections within one-half mile of the PUD site, peak hours of nearby businesses, schools and religious institutions, any proposed addition of a curb-cut to the tract, or the modification or elimination of any existing curb-cut;
- iii. Fencing plan;
- iv. Parking plan, provided such plan shall not otherwise reduce the required number of parking spaces for schools as provided in Section 506 of this Code as if the property is in a commercial district, unless a variance is granted by the City Council;
- v. Site Plan, showing lot coverage;
- vi. Phasing Plan, if applicable;
- vii. Conceptual landscaping plan, tree survey, tree disposition and protection plan, and justification for any tree removal or potential tree damage; and
- viii. Elevations and Building Materials: In the event of a partial renovation of a school campus, the building materials should be harmonious with the building materials used for the existing improvements. In addition, any parking garage constructed on the PUD Site shall be constructed with building materials similar to any adjacent buildings so as to be harmonious with the other buildings on the Site.

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 \$10,000.00 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 one-half 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 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 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.

(Ord. No. 709, § 2(App. A), 10-12-2017; Ord. No. 723, § 2(App. A), 7-12-2018; Ord. No. 735, § 2(App. A), 10-18-2018)