

ORDINANCE NO. 833

AN ORDINANCE OF THE CITY OF HEDWIG VILLAGE, TEXAS, AMENDING ARTICLE II, DEFINITIONS AND INTERPRETATION, SECTION 202, DEFINITIONS, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE FOR THE PURPOSE OF ADDING NEW DEFINITIONS TO THE CITY'S PLANNING AND ZONING CODE.

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 possible amendments 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 proposed amendments to Article II, Definitions and Interpretation, Section 202, Definitions, for the purpose of adding new definitions to relating to the Hedwig Village Commercial Design Guide; 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 amendments to the City's Planning and Zoning Code relating to the Hedwig Village Commercial Design Guide; and

WHEREAS, the City Council of the City of Hedwig Village, Texas, has concluded that amendments should be made to Article II, Definitions and Interpretation, Section 202, Definitions, of the Hedwig Village Planning and Zoning Code relating to the Hedwig Village Commercial Design Guide.

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.

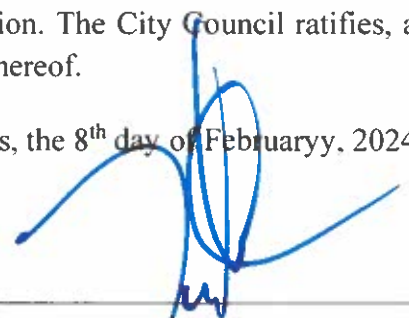
Section 2. Article II, Definitions and Interpretation, Section 202, Definitions, of the Hedwig Village Planning and Zoning Code of the City of Hedwig Village, Texas is hereby amended by adding new definitions, relating to the Hedwig Village Commercial Design Guide, to read as set out in Appendix A, attached 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 8th day of Februaryy, 2024.



Tom Jinks, Mayor
City of Hedwig Village, Texas

ATTEST:



Lisa Modisette, City Secretary
City of Hedwig Village, Texas

Appendix A

Proposed Code Amendment

Appendix A – PLANNING AND ZONING CODE
Article II. – DEFINITIONS AND INTERPRETATION
Section 202 – DEFINITIONS

New Definitions to be added to Section 202 to read as follows:

202. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this code:

- (1) *Accessory building.* A subordinate building below, at or above grade, located in district A or C on the lot occupied by the main building, the use of which is customarily incidental to the uses permitted in section 505 of this code and which is in accordance with the provisions of this code for accessory use as herein set out.
- (2) *Accessory use.* A structure or use which (a) is subordinate and incidental to and serves a principal building or a principal use; (b) is subordinate in area, extent and purpose to the principal structure or principal use; (c) contributes to the comfort, convenience, or necessity of the occupants in the principal structure; and (d) is located on the same lot as the principal structure.
- (3) *Alter/alterations.* Any change, not including maintenance or renewal, in the foundation, slab, supporting members, roof rafters or joists, bearing walls, columns, beams, girders, trusses, electrical wiring, plumbing, air conditioning, heating, or ventilation systems of any in-ground, on-ground, or aboveground building, and any addition, modification, or remodeling of such components.
- (4) *Average width.* The average width of a rectangular lot shall be its area divided by its longest dimension. The average width of other lots shall be [the] area divided by the length of a straight line drawn from the midpoint of the front property line to the most distant point on the rear property line.
- (5) *Block.* An area enclosed by streets and occupied by or intended for building; or if said word is used as a term of measurement, it shall mean a distance along a side of a street between the nearest two streets which intersect said street on said side.
- (6) *Board of adjustment.* A board having powers and duties as provided in other sections of this code to hear matters on appeal concerning interpretation of the provisions of this code, to grant variances and special exceptions.
- (7) *Building.* Any structure, below, at, or above natural grade, or part thereof, designed or suitable for the habitation or sheltering of human beings or animals, for the sheltering, storing, or displaying of property, or for the conduct of business or professional services of any kind.
- (8) *Building area.* The building area shall include the area of all roofed buildings placed on a lot, but shall exclude open driveways, open patios without a roof, and swimming pools without a roof.
- (9) *Building official.* Any person duly appointed by the City Council of the City of Hedwig Village, as provided in other ordinances of the city, without limitation, charged with the duty and obligation of issuing permits and certificates of occupancy and primarily charged with the responsibility of enforcing the provisions of this zoning code.
- (10) *Building permit.* A permit issued by the building official under the terms and provisions of the ordinances of the City of Hedwig Village providing for the issuance of such permits.
- (11) *Business.* Any isolated or continuous activity or commercial enterprise conducted for compensation or profit.

- (12) *Camper trailer.* A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
- (13) *Canopy tree.* A tree exceeding 30 feet in height at maturity, planted for its high crown of foliage or overhead canopy.
- (14) *Certificate of compliance.* Certification issued by signature of the planning and zoning official certifying that a proposed development complies with the terms and provisions of this zoning code; such certification shall constitute a statement as to compliance of proposed building with this code.
- (15) *Certificate of occupancy.* A certificate issued by the building official which certifies that a structure has been erected in accordance with this zoning code and all other ordinances of the city, the effect of which shall permit the occupancy of a building.
- (16) *City council.* The body established under and by the authority of the laws of the State of Texas for the enactment of ordinances and the enforcement thereof and having the ultimate authority for amendment or repeal of any provision of this code.
- (16.5) *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.
- (17) *Commencement of construction.* Any work on the project site pertaining to the work of the project itself that is in addition to the preliminary work of locating signs and temporary construction buildings and the facilities on the site, and is in addition to clearing and grading the site.
- (18) *Corner building.* A building located at the intersection of two or more streets.
- (19) *Corner lot.* A lot having two adjacent sides which abut, respectively, two streets which intersect at the corner of such lot at an interior angle of 135 degrees or less.
- (20) *Cut-off angle.* The angle formed by a line drawn from the direction of light rays at the source and a line perpendicular to the ground from the light source above from which no light is emitted.
- (21) *Development.* The carrying out of any building operation which requires permits under the terms and provisions of this zoning code or the making of any material change in the use or appearance of any structure or land requiring a permit or other authority under this zoning code.
- (22) *District.* See Zoning district.
- (23) *Dwelling.* A building or a portion of a building which is arranged, occupied or intended to be occupied by one or more persons over the age of 18 years as living quarters and includes facilities for food preparation and sleep. The term dwelling does not include a hotel or motel.
- (24) *Easement.* The lawful right one person or entity has to use the land of another for a specific or general purpose and for a definite or indefinite term.
- (25) *Expansion of nonconforming use.* Enlargement by the addition of floor area, coverage, or addition of land where there is located a use or structure which, although it is lawful at the time of its inception, is now prohibited under this zoning code.
- (26) *Façade treatment.* The materials and architectural features (such as windows, doors, and other detailing) that are included as part of the design of a particular exterior building wall.
- (27) *Family.* One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. Not more than three persons

living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

- (27.5) *Fast food restaurant.* A commercial business located in a freestanding 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) *Fence.* Any visible or tangible obstruction to sight interposed between two portions of land or which divides a piece of land into distinct portions. No fence may impede sight visibility triangles.
- (29) *Floor area.* Gross enclosed building area.
- (30) *Front of house.* The front of a house is that part of a house which faces the front yard.
- (31) *Front property line.* The front property line shall be the shortest property line contiguous to a street or access easement.
- (32) *Front yard.* An open, unoccupied space on a lot facing a street, extending across the front of the lot between the side lot lines and from the outermost surface of the main building to the front lot line, with the minimum distance between the front lot line and the main building line as specified for the district in which the lot is located. In the case of a lot which borders upon more than one street, the front yard shall face the same as the front yard of the lot whose side yard is adjacent to such lot.
- (32.5) *Gross floor area.* Gross floor area is the total floor area inside the building envelope, including the external walls, and any patio.
- (33) *Green wall.* A vertical component of a building that intentionally incorporates vegetation on the exterior of the wall. In order to maintain the vegetation, green walls often incorporate built-in irrigation systems.
- (34) *Home occupation.* A business, profession or trade conducted within or from a residential building or accessory structure for gain or support by a resident of the dwelling which is incidental and secondary to the residential use of the building and does not change the essential character of the use.
- (35) *Identification sign.* A sign containing tenant information and/or the address of the situs.
- (36) *Impervious (impermeable) surface.* Any material applied to the surface of land which does not permit natural infiltration or passage of water into the ground, except for the ground area of buildings.
- (37) *Land.* The earth, water, and air above, below, or on the surface, including any improvements or structures customarily regarded as the land.
- (38) *Loading area.* A space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
- (39) *Lot.* A part of a platted and recorded subdivision which shall be readily identifiable upon a plat of such subdivision, which plat shall show the dimensions of its subdivision lots and dimensions of all streets, alleys, squares, parks, or other portions of the same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.
- (40) *Lot depth.* The minimum horizontal distance between the front and rear lot lines.
- (40.5) *Medium density residential developments.* A residential development of single-family detached homes at a maximum density of ten dwelling units an acre.
- (41) *Main building entrance.* The principle public entrance connecting to an interior lobby and visually expressed from other points of ingress/egress by distinctive architectural treatments and structural framing.
- (42) *Multi-building development.* A site that contains more than one building. Buildings are separated at the ground level, but may include a skywalk(s) at upper-floors.

- (43) *Multifamily dwelling.* A building designed for occupancy by more than one family, or occupied by more than one family.
- (44) *New construction.* A structure that is completely (100%) new following the effective date of this ordinance.
- (45) *Nonconforming use.* Any use lawfully being made of any land prior to April 29, 1955, which, upon the adoption of this code or any amendment thereto, does not comply with all the regulations of this code or any amendment thereto, thus rendering such use nonconforming. A nonconforming use may relate to land, building, structure, or any parts thereof.
- (46) *Official zoning district map.* A map adopted as a part of this zoning code having delineated thereon all of the zoning districts and the boundaries thereof within the City of Hedwig Village.
- (47) *Open space.* An area of land or water set aside, open, and unobstructed to the sky.
- (48) *Owner.* Any legal entity, person or otherwise who holds superior title to and can evidence superior title in real or personal property.
- (49) *Parcel.* Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.
- (50) *Parking/traffic direction sign.* A sign containing information to aid the public in locating parking facilities or to aid traffic control on the site. A parking/traffic direction sign shall not exceed three feet in height above surrounding grade, may not exceed four feet in width or 20 inches in thickness, nor shall it be externally illuminated.
- (51) *Patio.* As used by a restaurant, an inner courtyard open to the sky or a defined open area enclosed by a wall or fence, which may or may not be roofed, adjoining a restaurant for outside dining.
- (52) *Paved.* Ground covered with stone, brick, concrete, asphalt, gravel, iron ore or other substantial matter making a firm, smooth and level surface.
- (53) *Pedestrian priority area.* A space on a site designed specifically for pedestrians. It may be a space in which pedestrians stop to spend additional time or pass through on their way into a building. The pedestrian priority area incorporates amenities for pedestrians and is most often a paved, plaza-like space.
- (54) *Person.* Any natural person or an entity created by law including, but not limited to, a corporation (profit or nonprofit), partnership or association.
- (55) *Planning and zoning commission.* The planning and zoning commission of the City of Hedwig Village.
- (56) *Primary street.* The street from which a building is addressed. Access may also be provided from this street and/or others adjacent to or near the property.
- (57) *Premises.* Land and the improvements thereon.
- (58) *Profession.* The use of specialized knowledge or attainments for compensation or profit.
- (59) *Property building line.* The line drawn on the subdivision plat indicating the front or outermost line or point where a building may be erected. In case of conflict between the provisions of this code and the designated property line on the subdivision plat, the line providing the greatest setback distance shall control.
- (60) *Rear yard.* An open, unoccupied space, except for accessory buildings as permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a minimum depth between the main building and the rear lot line as specified for the district in which the lot is located.
- (61) *Recreational vehicle.* A vehicular type unit primarily designed for temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

- (61.5) *Restaurant*. A commercial business located in a freestanding building or leased portion of a retail complex that contains facilities for food preparation and service to the public, excluding drive-through service.
- (61.75) *Restaurant serving alcohol*. A commercial business located in a freestanding 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.
- (62) *Road/street*. A strip of land appropriated for and used by the public for the purpose of travel between different places.
- (63) *Screened*. Obscured from public view.
- (63.5) *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.
- (64) *Side yard*. An open space on each side of a building and on the same lot with the building situated between the building and the side line of the lot and extending between the front yard and the rear yard. Any lot line, other than the rear lot line and the front lot line, shall be deemed a side line.
- (65) *Sign*. Any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass on the outside of the building, or structure, and which displays or includes any numeral, letter, work, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light or other representation used as, or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity, or any combination thereof.
- (66) *Single-family dwelling*. A building designed exclusively for residential occupancy and having accommodations for and occupied by only one family.
- (67) *Site plan*. A two-dimensional graphic illustration setting forth minimum and maximum requirements for ingress to and egress from property, public or private streets or drives with adequate right-of-way, sidewalks, utility, drainage, maximum lot coverage, yards and open spaces, screening walls or fences, landscaping or other development and protective requirements, including maintenance considered necessary to create a reasonable transition and protection of adjacent property.
- (68) *Structure*. Any form or arrangement of building or construction materials below, at or above grade involving the necessity or precaution of providing proper support, bracing, tying, anchoring or other protection against the pressure of the elements.
- (69) *Subdivision*. A tract of land identifiable upon a plat duly approved by the proper authority and filed for record in the office of the county clerk of Harris County, Texas.
- (69.5) *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 facility or a take-out window or counter.
- (70) *Trade*. Any buying, selling, or exchanging of property or services for profit.
- (71) *Travel trailer*. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.
- (72) *Truck camper*. A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- (73) *Use*. The particular type of function or purpose to which land and/or a structure is committed.

- (74) *Utility trailer.* A vehicular unit, mounted on wheels, designed for towing by another vehicle to haul material or animals of any sort.
- (75) *Variance.* Relief granted by order of the board of adjustment, not contrary to the public interest, where owing to special conditions, the literal enforcement of the regulations of the zoning code will result in unnecessary hardship.
- (76) *Vehicle.* An instrument of conveyance, whether licensed or unlicensed under the provisions of the law of the State of Texas, excluding lawn maintenance equipment and go-carts having a rear axle width of no more than 3½ feet. The term vehicle as used herein shall also include for the purpose of regulating parking within the city as herein provided, a camper trailer, recreational vehicle, travel trailer, truck camper, water craft and utility trailer.
- (77) *Water craft.* A boat, houseboat, canoe, raft, surfboard or other apparatus designed for use on water, including trailers therefor, and motors or engines designed to propel such craft or apparatus.
- (78) *Window.* Any opening in a wall or roof which functions or appears to function to admit light to a building or structure.
- (79) *Yard.* An open space on a lot or parcel of land upon which a building is situated and which is unobstructed above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and landscape features.
- (80) *Zoning district.* Any district delineated on the official zoning district map under the terms and provisions of this code or which may hereinafter be created subsequent to the enactment of this code for which regulations governing the area, height, use of buildings and/or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.