

ORDINANCE NO. 822

AN ORDINANCE OF THE CITY OF HEDWIG VILLAGE, TEXAS, AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 506, BUSINESS DISTRICT B, SUBSECTION A.2, USES SPECIFICALLY PROHIBITED, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE FOR THE PURPOSE OF PROHIBITING DRIVE THROUGH FACILITIES IN ALL OF THE BUSINESS DISTRICTS IN 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 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 recommendation to the City Council of the City of Hedwig Village, Texas concerning proposed amendments to Article V, Zoning Regulations, Section 506, Business District B; Subsection A.2, Uses Specifically Prohibited, for the purpose of prohibiting Drive Through Facilities in all of the Business Districts; 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 prohibiting Drive Through Facilities in all of the Business Districts; and

WHEREAS, the City Council of the City of Hedwig Village, Texas, has concluded that amendments should be made to Article V, Zoning Regulations, Section 506, Business District B; Subsection A.2, Uses Specifically Prohibited, of the Hedwig Village Planning and Zoning Code relating to prohibiting Drive Through Facilities in all of the Business Districts in 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.

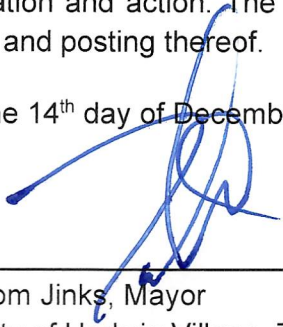
Section 2. Article V, Zoning Regulations, Section 506, Business District B, Subsection A.2, Uses Specifically Prohibited, of the Hedwig Village Planning and Zoning Code of the City of Hedwig Village, Texas is hereby amended by amending Subsection 506.A.2, Uses Specifically Prohibited, to read as set 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 14th day of December, 2023.

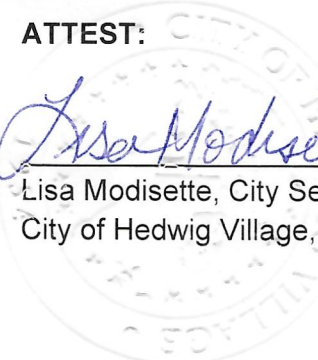


Tom Jinks, Mayor
City of Hedwig Village, Texas

ATTEST:



Lisa Modisette, City Secretary
City of Hedwig Village, Texas



Appendix A

Appendix A – PLANNING AND ZONING CODE

Article V. – ZONING REGULATIONS

Section 506 – Business District B

Section 506.A

2. *Uses specifically prohibited.* Except to the extent specifically permitted in section 506.A.1 of this code, property in business district B shall not be used for the following:
 - (a) Manufacturing, which includes the production of one or more articles from scrap, salvage, or junk material, as well as from new or raw material, by processing, formulating, manipulating, or changing the form of an article or by combining or assembling two or more articles.
 - (b) The storage or keeping of equipment, earth, signs, vehicles, trailers, tanks, supplies, or other property outside an enclosed building approved by the planning and zoning commission, except to the extent that such items may be necessary in connection with construction on the property and then only during such construction.
 - (c) The take-off, landing, parking, or storage of helicopters or other aircraft of any sort other than emergency or law enforcement craft.
 - (d) The keeping or displaying of automobiles, trucks or other vehicles on site, with the intent of selling or marketing the same.
 - (e) The storing or selling of used or secondhand merchandise excluding antiques or collectibles, requiring more than 20 percent of the floor area of the business. Further, the listing of any retail business in section 506.A.1 of this code is not intended to include or permit the sale of such used or secondhand merchandise.
 - (f) Discount stores which advertise and sell goods below a certain price.
 - (g) Drive-through facilities
 - (h) Credit access businesses that obtain credit for a consumer from an independent third-party lender in the form of a deferred presentment transaction or a motor vehicle title loan, more commonly referred to as "payday loans" or "title loans."