

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY OF HEDWIG VILLAGE, TEXAS, AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 506, BUSINESS DISTRICT B, SUBSECTION E, MISCELLANEOUS PROVISIONS, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE TO ADDRESS THE LOCATION OF REFUSE CONTAINERS IN THE CITY'S BUSINESS DISTRICTS.

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 V, Zoning Regulations, Section 506, Business District B, Subsection E, Miscellaneous Provisions, of the Hedwig Village Planning and Zoning Code to address the location of refuse containers in the City's 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 the location of refuse containers in the City's 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 E, Miscellaneous Provisions, of the Hedwig Village Planning and Zoning Code relating to the location of refuse containers in the City's Business Districts.

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 E, Miscellaneous Provisions, of the Hedwig Village Planning and Zoning Code of the City of Hedwig Village, Texas is hereby amended by adding a new Subsection 9, Requirements for Refuse

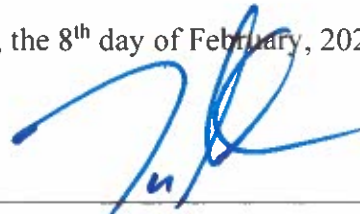
Containers, to read as set out in Appendix A, attached hereto. All other portions of the Hedwig Village Planning and Zoning Code not specifically amended hereby remain in full force and effect.

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 February, 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 V. – ZONING REGULATIONS

Section 506 – Business District B

Subsection 506(E)(9) to be amended to read as follows:

E. *Miscellaneous provisions.*

1. *Lot width.* The width of lots in district B shall be a minimum of 50 feet.
2. *Lot coverage and landscaping.* In district B, structures, including parking and loading and unloading areas, driveways and covered walkways, shall not exceed the following percentage of total land area:
 - Existing multi-family dwellings (in percentage)66⅔
 - Motels and hotels (in percentage)75
 - All others (in percentage)90The remaining land area shall be landscaped and maintained for use as a non-commercial green area.
3. *Existing multi-family dwellings.* Each dwelling unit of a multi-family dwelling in district B shall contain not less than 1,250 square feet of living area within such dwelling unit.
4. *Site drainage.* Site drainage for the entire site including parking and driveway areas shall be designed and installed with sufficient grades, and underground drains with adequately sized pipe and number of clean-out facilities. Such underground drainage shall be provided to adequately drain the site of storm water into the nearest publicly provided storm drainage system.
5. *Construction.* All construction, including new construction, enlargements, and alterations shall conform to the following minimum requirements:
 - a. *Conforming to code.* All new construction, enlargements, and alterations shall conform to the City of Hedwig Village building, electrical, fire, heating, air conditioning, plumbing, and other applicable codes, regulations, and ordinances of the City of Hedwig Village.
 - b. *Recreational areas.* Privately owned swimming pools and recreational or playground areas shall be obscured from view from any public street.
6. *Trash.* Trash and garbage collection facilities shall be provided at the rear of the property, shall be obscured from public view, and shall be protected from scattering by wind or animals by a suitably gated fence; provided, however, if existing improvements make construction of a fence impossible, the applicant may substitute a receptacle if shown to the building official to be of sufficient strength and construction to accomplish the same protection as afforded by a fence as described above.

Businesses having regular accumulation of trash, waste materials, junk, or other discarded materials shall arrange for private regular collection of such accumulated materials. Such collections shall be at least twice a month and shall be more frequently if accumulations

exceed storage capacity. Such collections shall be as frequent as necessary to prevent objectionable odors.

Incineration of trash or garbage shall not be permitted except where facilities are designed specifically for incineration service and are approved by the fire chief for the City of Hedwig Village. The emissions from such a system shall not be visible and shall not have undesirable emissions or odor.

7. *Fences.* No fence of any type, nonbearing wall, or any other similar structural barrier, shall be erected or maintained on any lot, tract, or parcel of land in business district B within any required front or side yard so as to prevent or deter immediate access to the main building by emergency vehicles from a public street abutting such lot, tract, or parcel of land, or which would have the effect of eliminating or severely restricting a clear and full view of such main building from such abutting street by emergency personnel.

Maximum height: Fences shall be a maximum of eight feet tall within commercial districts of the City, unless an increase in height is necessary to screen equipment, trash containers, or provide additional screening of non-residential uses from Residential Districts A and C.

Prohibited locations: Fencing for commercial properties shall not prohibit the public from accessing required parking spaces for the intended use. No fencing may block sight visibility triangles.

Temporary construction fencing: Temporary construction fencing is allowed if there is an active building permit, unless as required by the building official. Major construction sites are required to have temporary construction fencing to prevent access from the public.

Temporary security fencing: Temporary security fencing on vacant lots may be permitted if approved by the building official. All temporary fencing must be maintained and kept clear of graffiti.

Permitted materials:

- (1) Finished masonry (not exposed CMU), stained or natural wood, wrought iron painted black fencing materials, or combination thereof shall be used for fences, walls, or gates. Chain link fencing is not permitted. Synthetic materials may be used as approved by the building official.
- (2) Vine-covered walls shall be allowed.
- (3) No barbed or razor wire shall be used or maintained as part of any fence, wall, gate, or hedge. No sharp point, including glass, shall project from the top of the fence or wall.
- (4) All fence materials must be up to the standards for new construction, except for reclaimed wood.
- (5) All swinging gates shall be prohibited from encroaching into the public right-of-way.
- (6) No vinyl or plastic slats may be used as a screening material.

Mechanical equipment screening: Mechanical equipment, whether ground-mounted, roof mounted, or otherwise attached to the building, shall be screened from view from the street by fencing, building design (such as a parapet), or landscaping.

9. Requirements for Refuse Containers.

- (a) A refuse storage container, such as a dumpster or garbage bin, provided for nonresidential uses shall be located near the rear or side of the building.
- (b) A refuse container shall be placed on a paved surface of either concrete or asphalt.
- (c) The screening around the refuse container shall:
 - i. Be fully enclosed by an opaque, all weather, wall, which should be substantially similar to the building structure material, that is taller than the refuse container by at least one foot and must have truck access;
 - ii. Incorporate continuous landscaping around the enclosure on all sides, that do not abut a building or other structure except for the gate side, that is no less than one foot in height;
 - iii. Be oriented so landscaping faces adjoining properties or streets; and
 - iv. Not encroach upon any sidewalk or roadway.