

ORDINANCE NO. 2010

AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING CHAPTER 14, ZONING, OF THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE COMPREHENSIVE SITE PLAN OF PD 1, THE HIGHLAND PARK SHOPPING VILLAGE, AS ADOPTED BY ORDINANCE NO. 1785 AND AMENDED BY ORDINANCE NOS. 1796, 1806, 1811, 1822, 1840, 1848, 1853, 1857, 1858, 1861, 1863, 1876, 1882, 1901, 1912, 1922, 1933, 1936, 1946, 1959, 1963, 1973, 1986 AND 2003; SUPPLEMENTING CHAPTER 14 ZONING, EXHIBIT A ZONING ORDINANCE, SECTION 26 LIST OF SPECIFIC USE PERMITS, PLANNED DEVELOPMENTS AND COMBINED BUILDING SITES, 26-100, OF THE CODE OF ORDINANCES TO ALLOW THE INSTALLATION OF THREE FOUR-SEAT TABLES AND TWO TWO-SEAT TABLES ON THE SIDEWALK ADJACENT TO NO. 7A HIGHLAND PARK VILLAGE, ALSO KNOWN AS ROYAL BLUE GROCERY ON THE EAST END OF BUILDING A; INCREASING THE SURPLUS PARKING BY ELEVEN SPACES; PROVIDING A PENALTY CLAUSE; PROVIDING A VALIDITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 14, Zoning, of the Code of Ordinances of the Town of Highland Park, Texas, is also known as the "Town's Zoning Ordinance;" and

WHEREAS, the Highland Park Shopping Village (the "Village") is a Planned Development, known as PD 1, with a comprehensive site plan and a comprehensive transportation and parking plan approved by the Town Council of the Town of Highland Park (the "Town"); and

WHEREAS, the Village submitted a request to install three four-seat tables and two two-seat tables on the sidewalk adjacent to No. 7A Highland Park Village in Building A; and

WHEREAS, Section 21-101 of the Town's Zoning Ordinance requires changes to the Village's comprehensive site plan to be approved by the Town Council; and

WHEREAS, on June 27, 2016, in Ordinance No. 2003, the Town Council recognized the total surplus parking at thirty six (36) parking spaces and a final parking space count of 1,059; and

WHEREAS, during the complete renovation of Building A, the parking allocation was recalculated based on the Nelson Nygaard parking model and proposed tenancy. Due to: (i) not constructing the 408 square feet mezzanine in the rear of lease space 8C in Building A, and (ii) conversion of 2,897 square feet of Retail to Restaurant for lease space 7A, a credit of eleven (11) additional spaces is added to the existing thirty six (36) surplus spaces, resulting in a total surplus parking count of forty seven (47) surplus spaces and a total parking space count of 1,059; and

WHEREAS, at its regular meeting on October 24, 2016, and after giving requisite notice of a public hearing regarding HP Village Partners, L.P.'s application in accordance with Section 11-100 of the Town's Zoning Ordinance and the laws of the State of Texas, the Town Council conducted said public hearing at the Town Hall, 4700 Drexel Drive, Highland Park, Texas. After hearing from all parties present and after giving full consideration of (i) HP Village Partners, L.P.'s application, and (ii) the evidence introduced during the public hearing, the Town Council granted approval of the application to amend the Planned Development Ordinance and comprehensive site plan, as depicted on the attached EXHIBIT A;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, the comprehensive site plan of PD 1, the Highland Park Shopping Village, is hereby amended to allow the installation of three four-seat tables and two two-seat tables (sixteen total seats) on the sidewalk adjacent to No. 7A Highland Park Village in Building A.

SECTION 2. That, the Nelson Nygaard parking model was used in evaluating the redevelopment of Building A. The results of this evaluation increased the surplus parking by eleven (11) additional spaces, resulting in a total surplus parking count of forty seven (47) surplus spaces and a total parking space count of 1,059 in the Village's comprehensive transportation and parking plan.

SECTION 3. That, **Chapter 14 "Zoning," Section 26, "List of Specific Use Permits, Planned Developments and Combined Building Sites, 26-100"** of the Town's Zoning Ordinance, is hereby amended to add:

PD Ordinance No. 2010 - Amending PD 1, the Highland Park Shopping Village, to allow the installation of three four-seat tables and two two-seat tables (sixteen total seats) on the sidewalk adjacent to No. 7A Highland Park Village, known as Bird Bakery, in Building A; and due to: (i) not constructing the 408 square feet mezzanine in the rear of lease space 8C in Building A, and (ii) conversion of 2,897 square feet of Retail to Restaurant for lease space 7A Highland Park Village, eleven (11) additional parking spaces are added to the existing thirty six (36) surplus spaces resulting in a total surplus parking count of forty seven (47) surplus spaces and a total parking space count of 1,059 in the Village's comprehensive transportation and parking plan.

SECTION 4. Penalty. That, any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the penalty provision of Section 1.01.009 of The Code of Ordinances of the Town of Highland Park, as amended.

SECTION 5. Validity. That, all ordinances of the Town of Highland Park in conflict with the provisions of this ordinance be, and the same are hereby superseded and all other provisions of the ordinances of the Town of Highland Park not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Severability. That, should any paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected.

SECTION 7. Incorporation. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 8. Effective Date. That, this ordinance shall be in effect immediately following its passage, approval and publication as provided by law, and it is accordingly so ordained.

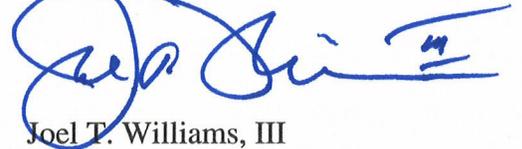
PASSED AND APPROVED this the 24th day of October, 2016.

APPROVED AS TO FORM:



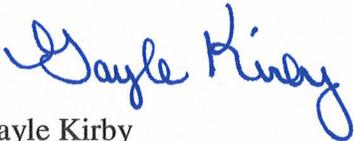
Matthew C.G. Boyle
Town Attorney

APPROVED:

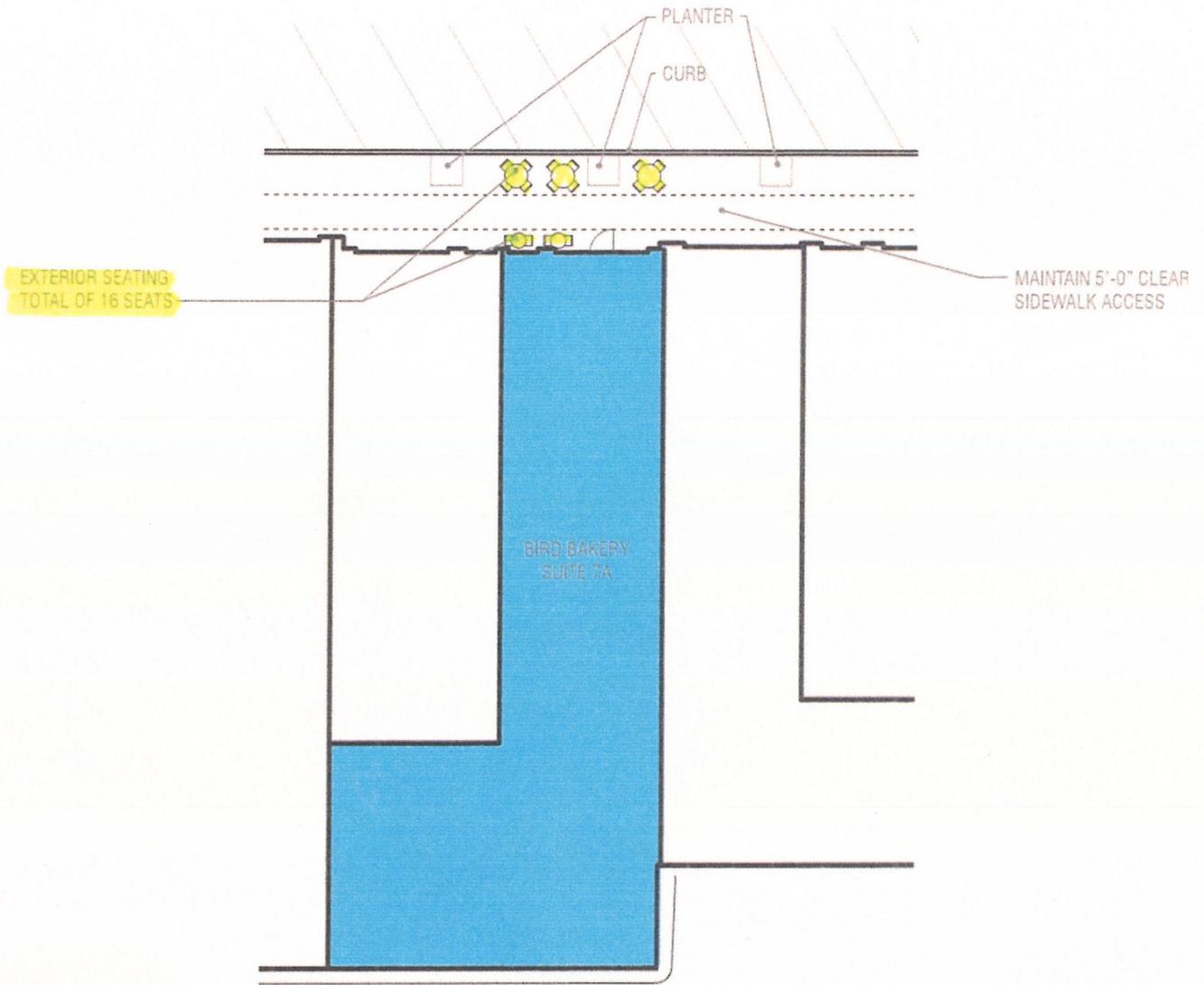


Joel T. Williams, III
Mayor

ATTEST:



Gayle Kirby
Town Secretary



HIGHLAND PARK VILLAGE
BIRD BAKERY