

**TOWN OF HICKORY CREEK, TEXAS
ORDINANCE NO. 2022-03-899**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING CHAPTER 14 ZONING, ARTICLE VII SF-1 RESIDENTIAL DISTRICT, SECTION 3 AREA REGULATIONS; AMENDING CHAPTER 14 ZONING, ARTICLE VIII SF-2 RESIDENTIAL DISTRICT, SECTION 3 AREA REGULATIONS; AMENDING CHAPTER 14 ZONING, ARTICLE IX SF-3 RESIDENTIAL DISTRICT, SECTION 3 AREA REGULATIONS; AMENDING CHAPTER 14 ZONING, ARTICLE X TH-1 TOWNHOUSE DISTRICT, SECTION 3 AREA REGULATIONS; AMENDING CHAPTER 14 ZONING, ARTICLE XII.5 GMH GARTH ADDITION MOBILE HOME SINGLE-FAMILY RESIDENTIAL, SECTION 2 AREA REGULATIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the Town of Hickory Creek, Texas, is A Type A General Law municipality located in Denton County, Texas created in accordance with the provisions of the Texas Local Government Code and the Texas Constitution and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council is empowered under section 51.012 of the Local Government Code to adopt ordinances necessary for the government, interest, welfare, or good order of the municipality, and under Chapter 211 of the Local Government Code to regulate land use within the Town; and

WHEREAS, the Town Council does hereby find and determine that the adoption of this Ordinance is necessary for the government, interest, welfare and good order of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
FINDINGS**

After due deliberations the Town Council has concluded that the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas and necessary for the government, interest, welfare, and good order of the Town.

SECTION 3.

AMENDMENTS

3.01 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article VII SF-1 Residential District, Section 3 Area Regulations, is hereby amended to add a subsection (11) which shall read:

“(11) *Impervious Surface Limit*: The total impervious surface installed upon any front yard or corner side yard shall not exceed 40%.”

3.02 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article VIII SF-2 Residential District, Section 3 Area Regulations is hereby amended to add a subsection (11) which shall read:

“(11) *Impervious Surface Limit*: The total impervious surface installed upon any front yard or corner side yard shall not exceed 40%.”

3.03 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article IX SF-3 Residential District, Section 3 Area Regulations is hereby amended to add a subsection (11) which shall read:

“(11) *Impervious Surface Limit*: The total impervious surface installed upon any front yard or corner side yard shall not exceed 40%.”

3.04 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article X TH-1 Townhouse District, Section 3 Area Regulations is hereby amended to add a subsection (13) which shall read:

“(13) *Impervious Surface Limit*: The total impervious surface installed upon any front yard or corner side yard shall not exceed 40%.”

3.05 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article XII.5 GMH Garth Addition Mobile Home Single-Family Residential District, Section 2 Area Regulations is hereby amended to add a subsection (A) (1) which shall read:

“(1) *Impervious Surface Limit*: The total impervious surface installed upon any front yard or corner side yard shall not exceed 40%.”

3.06 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4.

CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Provided, however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5.
SAVINGS CLAUSE

All rights and remedies of the Town of Hickory Creek, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting utility rates and fees which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6.
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the Town shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7.
PENALTY

If the governing body of the Town of Hickory Creek determines that a violation of this Ordinance has occurred, the Town of Hickory Creek may bring suit in a court of competent jurisdiction to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, except as otherwise provided herein, in a sum not to exceed Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 8.
PUBLICATION CLAUSE

The Town Secretary of the Town of Hickory Creek is hereby directed to publish in the Official newspaper of the Town of Hickory Creek, the Caption, Penalty Clause, and Effective Date clause of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code.

SECTION 9.
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Hickory Creek is hereby directed to engross and enroll this Ordinance by copying the exact Caption, Penalty Clause, and Effective Date clause in the minutes of the Town Council of the Town of Hickory Creek and by filing this Ordinance in the Ordinance records of the Town.

SECTION 10.
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Hickory Creek, Texas this 28th day of March, 2022.

Lynn C. Clark, Mayor
Town of Hickory Creek, Texas

ATTEST:

Kristi Rogers, Town Secretary
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

Dorwin L. Sargent, III, Town Attorney
Town of Hickory Creek, Texas