



**NOTICE OF
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
REMOTE MEETING
1-888-475-4499
MEETING ID: 839 5914 5221
TUESDAY, JANUARY 19, 2021, 6:00 PM**

AGENDA

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and member of the public be physically present at a meeting location. [Remote Meeting Participation Information.](#)

Call to Order

Roll Call

Pledge of Allegiance to the U.S. And Texas Flags

Invocation

Public Comment

This item allows the public an opportunity to address the Planning and Zoning Commission. To comply with the provisions of the Open Meetings Act, the commission cannot discuss or take action on items brought before them not posted on the agenda. Please submit a [Public Comment Form](#) at least five minutes prior to the meeting if you wish to address the commission. Comments will be limited to three minutes. Open Forum is for information only. No charges and/or complaints will be heard against any elected official, board member, the Town, or employee of the Town that are prohibited by law.

Consent Agenda

Items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the Planning and Zoning Commission.

- [1.](#) December 22, 2020 Meeting Minutes

Regular Agenda

2. Conduct a public hearing regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Article XIV: C-2 Commercial District; Section 3 (2), Building Regulations and Chapter 14: Zoning, Article XV: LI-1 Industrial District, Section 4 (2), Building Regulations to alter the allowable height of fences within the districts and consider and act on a recommendation for the same.

Adjournment

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact Town Hall at 940-497-2528 or by fax 940-497-3531 so that appropriate arrangements can be made.

I, Chris Chaudoir, do hereby certify, that this meeting notice was posted on the bulletin board at Town Hall, 1075 Ronald Reagan Avenue, Hickory Creek, Texas on January 15, 2021 at 10:45 a.m.



Chris Chaudoir
Town of Hickory Creek

**SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
TUESDAY, DECEMBER 22, 2020**

MINUTES

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location.

Call to Order

Meeting was called to order at 6:05 pm by Vice Chairman Hawkes.

Roll Call

PRESENT

Commissioner Jaycee Holston
Vice Chairman Bryant Hawkes
Commissioner Don Rowell
Commissioner David Gilmore
Commissioner Dustin Jensen

ABSENT

Chairman Rodney Barton

ALSO PRESENT

Lance Vanzant, Town Attorney
Paul Kenney, Town Liaison
Chris Chaudoir, Administrative Assistant

Pledge of Allegiance to the U.S. And Texas Flags

Pledge of Allegiance to U.S. and Texas flags led by Vice Chairman Hawkes.

Invocation

Invocation given by Commissioner Gilmore.

Public Comment

No Public Comment

Consent Agenda

1. October 20, 2020 Meeting Minutes

Motion to accept the minutes made by Commissioner Gilmore, Seconded by Commissioner Holston.

Voting Yea: Commissioner Holston, Vice Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore, Commissioner Jensen. Motion passed unanimously.

Regular Agenda

2. Discuss, consider and act on a recommendation for a Site Plan for 6060 S. Stemmons. The property is legally described as Lake Cities Polaris Addition, Block A, Lot 1.

Ms. Chaudoir explained history and details of the Site Plan.

Motion to recommend approval as presented made by Commissioner Holston, Seconded by Commissioner Rowell.

Voting Yea: Commissioner Holston, Vice Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore, Commissioner Jensen. Motion passed unanimously.

3. Conduct a public hearing regarding an ordinance of the Town of Hickory Creek, Texas amending the Town's Code of Ordinances, Chapter 14: Zoning, Article XIII: C-1 Commercial District; Section 3 (2), Building Regulations to alter the allowable height of fences within the district and consider and act on a recommendation for the same.

Public Hearing opened at 6:14 p.m.

Ms. Chaudoir gave an overview of the proposed ordinance change. Commissioners Gilmore and Holston asked questions about the ordinance wording, usage and existing and future development that were answered by Mr. Vanzant.

Public Hearing closed at 6:17 p.m.

Motion to recommend approval made by Commissioner Jensen, Seconded by Commissioner Gilmore.

Voting Yea: Commissioner Holston, Vice Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore, Commissioner Jensen. Motion passed unanimously.

Adjournment

Motion to adjourn made by Commissioner Holston, Seconded by Commissioner Rowell.
Voting Yea: Commissioner Holston, Vice Chairman Hawkes, Commissioner Rowell, Commissioner Gilmore, Commissioner Jensen. Motion passed unanimously.

Meeting adjourned at 6:25 p.m.

Approved:

Attest:

Bryant Hawkes, Vice Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek

TOWN OF HICKORY CREEK, TEXAS

ORDINANCE NO. 2021 - ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING CHAPTER 14 ZONING, ARTICLE XIV C-2 COMMERCIAL DISTRICT, SECTION 3 BUILDING REGULATIONS; AMENDING CHAPTER 14 ZONING ARTICLE XV LI-1 INDUSTRIAL DISTRICT, SECTION 4 BUILDING 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 XIV C-2 Commercial District, Section 3 Building Regulations subsection (2) is hereby amended to read:

“All commercial areas adjacent to residential areas shall be separated from the residential area by the erection of a sight barrier fence which must be a minimum of eight feet in height and constructed of 100 percent masonry materials.”

3.02 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article XV LI-1 Industrial District, Section 4 Building Regulations subsection (2) is hereby amended to read:

“All industrial areas adjacent to residential areas shall be separated from the residential area by the erection of a sight barrier fence which must be a minimum of eight feet in height and constructed of 100 percent masonry materials.”

3.03 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. ENROSSMENT 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 _____ day of January, 2021.

Lynn 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