



**NOTICE OF  
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
HICKORY CREEK TOWN HALL  
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065  
TUESDAY, OCTOBER 18, 2022, 6:00 PM**

**AGENDA**

**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 complete a request 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. September 13, 2022 Special 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 XXXIV Amendments and Article XXXII Board of Adjustment to modify or add requirements for on-site signage for applications for zoning changes or variances.

**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 October 14, 2022 at 8:00 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, SEPTEMBER 13, 2022**

**MINUTES**

**Call to Order**

Meeting called to order at 6:00 p.m. by Chairman May.

**Roll Call**

**PRESENT**

Commissioner Jaycee Holston  
Commissioner Bryant Hawkes  
Commissioner Don Rowell  
Chairman Tim May  
Vice-Chairman David Gilmore

**ABSENT**

Commissioner Dustin Jensen  
Commissioner Rodney Barton

**ALSO PRESENT**

Trey Sargent, Town Attorney  
John Smith, Town Administrator  
Chris Chaudoir, Administrative Assistant

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

Pledge of allegiance to the U.S. and Texas flags led by Chairman May.

**Invocation**

Invocation led by Vice-Chairman Gilmore.

**Public Comment**

No Public Comment

**Consent Agenda**

1. August 16, 2022 Meeting Minutes

Motion to accept the minutes as presented made by Vice-Chairman Gilmore, Seconded by Commissioner Hawkes.

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

**Regular Agenda**

On the recommendation of Mr. Smith, Item 7 was moved to the top of the agenda.

7. Conduct a public hearing on a request from John Murphy, trustee of the John R Murphy Family Trust, on behalf of Yanlin Qian to change the zoning designation from SF-1 Residential District to SF-3 Residential District on a tract of land legally described as A1075a Ramsey, Tract 43B, 44B, 45C, 7.0 acres in the Town of Hickory Creek, Denton County, Texas and consider and act on a recommendation for the same. The property is located at 125 South Hook Road.

Beau Beasley, real estate broker, 509 Betchan, gave a presentation of the proposed project. They are proposing 21 new homes with 2500 to 3500 square feet in the \$600-to-700-thousand-dollar price range. The lots are similar in size to Lakewood Gardens. It is envisioned as a gated community with a green space along Hook.

Public Hearing opened at 6:14 p.m.

Chairman May read an email from Rita Root, 119 Wild Oak, into the record. "I am very much opposed to this change. I live off S. Hook (wild oak Lane) S. Hook cannot handle the additional traffic that 25 to 29 new homes would generate. It is currently not wide enough for two cars to pass safely without one have to pull to the side of the road. If someone is turning from Main St. onto S. Hook, they generally have to let the S. Hook auto turn so that the auto from Main can turn safely. The city has not addressed the drainage issues that have plagued S. Hook for many years. Yes it is paved but no measures were made to protect the road from flooding when it rains. The intersection of Main and S. Hook would become a giant hazard. To put this many homes on such small acreage is contrary to what the city established for the community back here. Those of us back here all bought here because of the zoning that would help to keep us 'a little bit country'.

Also I am not sure who placed the sign regarding the change but it was placed in the brush and was not easily visible. It did meet the 10' criteria but was definitely hidden. Funny it was moved after 9:00am to a very prominent spot right by the road."

Chairman May also read an email submitted by Nancy True, 12 Tanglewood. "With firm commitments preventing my ability to attend both tonight's P&Z Commission Special Meeting and Thursday's Town Council Special Meeting I offer this quick note to express my objection to the requested zoning change for the property at 125 S. Hook Rd. I am empathetically opposed to changing lot size from minimum to maximum one acre size proposing 26 lots instead of the potential only 7 and urge the P&Z Commission to deny the request."

Ron Furtick, 1500 Turbeville Road, stated he was in support of the zoning change because it is not a PD and is directed toward a known zoning. Increasing density is the way the market is going and should be accepted. Services should be improved to accommodate further growth.

John R Murphy, 232 S. Hook, said no one likes growth in the city they have lived in for a long time, he has lived in the area for 43 years. According to the US Census Bureau, Hickory Creek's population has only grown 3.02% per year between 2010 and 2021 totaling 1577 people. Other cities are growing faster. Hickory Creek's crime rate has been going down since 2003 with the growth and the same amount of police officers. Secured area, crime and traffic are not here. A few more quality homes will not increase crime and traffic in the city.

John White, 77 Robins Nest, stated his main concern was traffic. Hook is currently very busy. School buses getting in has been an issue. The turn lanes are sharp, and you have to wait for someone to pull out of the street to turn into Lakewood. People are running over the curb or dropping into the ditches. Pulling a trailer is almost impossible. In the neighborhood and parking with the street width, will it be restricted to one side?

Melissa Stone, 207 Garth, is concerned about traffic and safety. 21 homes could add 42 cars to the roads, assuming there are 2 per home. The 1-1/2 lane Hook Drive cannot support that. Everyone on Hook would be affected since the property is on the north end. She is also concerned about the gated access which would further delay traffic. Carlisle Road in Lake Dallas has several issues and adding more cars will make it worse. And the traffic issues compound all the way to the freeway. She requested a traffic study of the area to see if the infrastructure will support it. She also asked if the police presence will be increased. She has power flickers at her home and is concerned about the age of the lines. She likes the greenspace and the concept of the neighborhood but has concerns. She would like a study on the ingress and egress, traffic, the power lines, police presence, and lot sizes being too small for the area.

Miriam Pugh, 918 Lakebluff, Lake Dallas, has boarded horses on Hook Street since 1999. Several farms have sold and developed but stayed as 1 acre lots keeping the country atmosphere. Her biggest concern with the tract of land is it's adjacency to a farm on one side, 4 backyards on another side, and the Animal Shelter on the back. There is only entrance off of Hook. The houses sound great but not next to a farm. The land has been used for livestock for generations. The land is small and narrow, and she does not want to see that many houses on it. That many houses will change the natural drainage flow onto the farm and effect its uses.

Sue Ortolano, 102 Harmony, wants to voice her opposition. She bought her property with the expectation of 1 acre lots. She is also concerned about traffic, including garbage trucks.

Sharon Stratman, 100 Harmony, also wants to voice opposition. The attraction when they bought was the country environment, horse farms and being able to walk the dog without much concern about traffic. In the past 12 years, traffic has increased at the intersection as mentioned. The corner is narrow and difficult and, when it rains, it overflows and floods. The road infrastructure does not support that high density with poor road access, and dangers for walkers, joggers, etc.

Chance Allison, 964 Main Street, owns property backing up to the land. He has concerns about increased traffic and impact on the roads up through Carlisle, waste, wildlife, tree removal, etc. He agrees with improvement and growth, but does not feel this will support

the smalltown feel the website talks about. 21 homes is quite a bit. His family moved to the property because they loved the horses and trees.

Linda Thompson, 123 Harmony, said her father moved to Lake Dallas in the 1960s when owning land was a big deal and her family has owned her property since then. She agrees with the other's opposition to the number of houses on the land.

Mary Ann Turner Blackman, 127 S. Hook, said her family currently owns the property next door. It has been passed through the family from her grandparents and the family has always wanted it to stay the same. The vision for the property was not for it be developed into such a dense community. A development would be okay with her, but 21 homes is too many. She also has issues with the drainage on Hook and the pastureland. She would like the developers to do research and come back with something else.

Randy Melvin, 121 S. Hook on the corner of Hook and Main, said everyone who comes to that corner turns on the street and "gasses it" up the street. This development would mean 42 more cars daily coming down the street in addition to the drainage issues. This would be too many houses and property values will go down.

James Stratman, 100 Harmony Lane, stated he moved to his property 2004 and the property has been a sanctuary. The area is magnificent, the east side of 35 is wonderfully old and mature and a selling point for drawing people in. The drainage, number of homes and density is not what he has experienced since 2004, and he does not want to lose it.

Adrian Raymer, 7 Hickory Street, said they chose the area 15 years ago because it was quiet, had a rural feel, wildlife and they could see the stars. If the density is quadrupled, all that will go away. If this is approved, there are 2 adjacent tracts of the same size, currently not under consideration, but could also develop similarly. The road, water and sewer could not handle it. Are all zoning requests going to be granted for the sake of growth or are the needs of the existing residents going to be balanced? This is one of the few SF-1 zonings left in town, but an SF-2 might be considered to mitigate the concerns of some of the residents in the area.

Tamara Schantz, 225 S. Hook, said the beauty of the arbor of trees on S. Hook is amazing. Her concerns included the placement of the development at the top of the street, loss of trees, infrastructure, water, and traffic congestion with a gated community. She is not opposed to developing 1 acre lots, but is opposed to 21.

Public Hearing closed at 6:57 p.m.

Mr. Beasley responded he frequents the area and is aware of the traffic issues and the need to address them with tax revenue from a development like this. Drainage contingencies for developments are mentioned on the town website. He believes the number of cars added to the roadway daily would be closer to 20 than 40. People need to have control over their property rights and that should be considered. The RV Park on Main was approved.

Chairman Mays confirmed notifications were sent and asked Ms. Chaudoir to summarize discussions she had with the several callers.

The Commissioners discussed alternate zoning possibilities, traffic, traffic studies, possible road widening with a turn lane, and parking within the neighborhood.

Motion to deny the proposal as submitted made by Chairman Hawkes, Seconded by Commissioner Rowell.

Voting Yea: Commissioner Holston, Chairman Hawkes, Commissioner Rowell, Vice-Chairman May, Commissioner Gilmore. Motion to deny passed unanimously.

Chairman May called for a recess at 7:20. Meeting recalled to order at 7:25.

2. Conduct a public hearing continued from August 16, 2022 to hear public opinion on a request from Reserve at Hickory Creek, LLC to designate the zoning as PD (Planned Development) on an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Denton County, Texas, conveyed to Reserve at Hickory Creek LLC, according to the document filed of record in Document Number 2021-133395 Deed Records Denton County, Texas, Town of Hickory Creek, Denton County, Texas and consider and act on a recommendation for the same. The property is located at 1745 Turbeville Road.

Public Hearing reconvened at 7:26 p.m.

Chairman May read an email from Rita Root, 119 Wild Oak, into the record. "I am very much opposed to this also. I understand this piece of property was originally for homes and a community center, leaving many of the old trees. And now they are wanting to jam 230 homes on the property. An bulldoze down all the trees. Turbeville also can not handle the additional traffic that over 400 additional cars would add. And again it will destroy the country feel of Hickory Creek. Does Hickory Creek have the money to completely redo Turbeville Road?

Hickory Creek and the other lake cities have declared themselves Tree Cities. Yet you all let builders bull doze every tree and have them put up some sticks to replace magnificent trees. There has been no forethought given to development of our city. You have the ability to make that piece of property stay true to a vision of country living but still have progress and an increased tax base."

Rachelle Stevenson, 1040 Camphor, lives directly behind the property and moved there for the country feel, wildlife, parks and outdoor activities. She teaches for the Lake Dallas School District and her main concern is the number of additional children coming into the district. Schools are already overcrowded, and there is not enough new property taxes to support the number of new students. She is also concerned about the removal of trees and the traffic.

Sheila Dowlen, 1044 Camphor Street, was heartbroken about the removal of trees and the houses on the property. Some space needs to be saved for nature, places to breath, walk and see greenery, and plant, flowers and trees. She is not opposed to progress, but is concerned about traffic and the general impact.

Ron Furtick, 1500 Turbeville, stated he started warning about sprawl a decade ago and it is here. He supports the next 2 agenda items. The need is to focus on what is wanted in the

future and, if commercial development is wanted, the town needs to move in that direction. He wants to advocate for serious planning and, if there is a desire for a downtown now is the time to address it.

Public Hearing closed at 7:38.

John Smith gave a presentation on the history of the project. Mr. Sargent gave background on development in the ETJ and annexation.

Dave Hawes and Stanley Stinett, representing the developers, gave a presentation on the development and answered the Commissioners questions about house size, lot width, sale versus rental units, the HOA, and the Developer's Agreement. Chairman May discussed the standard provisions with Mr. Hawes, Mr. Stinnett and Mr. Smith.

Motion made to recommend approval of the proposed zoning designation as presented by Vice-Chairman Gilmore, Seconded by Commissioner Rowell.

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

3. Discuss, consider and act on a recommendation for a preliminary plat of Reserve at Hickory Creek, being an 18.8530 acre tract of land situated in the H.H. Swisher Survey, Abstract Number 1220, Town of Hickory Creek, Denton County, Texas. The property is located at 1745 Turbeville Road.

Motion to recommend approval made by Commissioner Rowell, Seconded by Commissioner Hawkes.

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

4. Conduct a public hearing regarding a request from LG Hickory Creek LLC, to amend the current PD (Planned Development) zoning designation on a 24.344 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220, Town of Hickory Creek, Texas, recorded in Document Number 179841 of the Official Public Records of Denton County, Texas and consider and act on a recommendation for the same. The property is located in the 3400 block of FM 2181.

Public Hearing opened at 8:42. With no one wishing to speak, Public Hearing closed at 8:43.

Mr. Smith went over the history of the development.

Scott Lyday, Leon Capital Group, gave a presentation on the project. There are 273 units, 1 to 3 bedrooms with an average 931 square feet, 645 parking spaces including 107 enclosed garages, 7 3-story buildings, leasing office and pool. Some buildings are specifically designed to preserve the trees.

Chairman May verified that notices were sent out and that no one had contacted Ms. Chaudoir about the project. Mr. Smith had received one call from the Olana stating they

appreciated the new design. Mr. Smith and Ms. Chaudoir went over the changes to the PD since the initial approval. Access will be through private easements from FM 2181.

Motion to recommend approval of the amendments as presented made by Vice-Chairman Gilmore, Seconded by Commissioner Rowell.

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

5. Discuss, consider and act on a recommendation for a Final Plat for the Lakesound Addition, Lot 1, Block A in the H. Swisher Survey, Abstract No 1220, Town of Hickory Creek, Denton County Texas. The property is located in the 3400 block of FM 2181.

Motion to approve made by Commissioner Rowell, Seconded by Vice-Chairman Gilmore.

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

6. Discuss, consider and act on a recommendation for a Site and Landscape Plan for the Lakesound Addition, Lot 1, Block A in the H. Swisher Survey, Abstract No 1220, Town of Hickory Creek, Denton County Texas. The property is located in the 3400 block of FM 2181.

Motion to approve made by Vice-Chairman Gilmore, Seconded by Commissioner Hawkes.

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

8. Discuss, consider and act on a recommendation for a preliminary and final plat of Garth Addition, Lot 1, Block A: being 2.00 acres of land located in John Ramsey Survey, Abstract No. 1075, the Town of Hickory Creek, Denton County, Texas. The property is located at 207 Garth Lane.

Ms. Chaudoir gave a quick overview of the project. Mr. Sargent asked that preliminary and final plats be voted on separately.

Motion to recommend approval of the preliminary plat made by Commissioner Hawkes, Seconded by Vice-Chairman Gilmore.

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

Motion to recommend approval of the final plat made by Vice-Chairman Gilmore, Seconded by Commissioner Holston.

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

### **Adjournment**

Motion to adjourn made by Commissioner Holston, Seconded by Commissioner Rowell.

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

Meeting adjourned at 9:16 p.m.

Approved:

Attest:

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Tim May, Chairman  
Planning and Zoning Commission

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Chris Chaudoir, Administrative Assistant  
Town of Hickory Creek

## **TOWN OF HICKORY CREEK, TEXAS**

ORDINANCE NO. 2022 - \_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING CHAPTER 14 ZONING, ARTICLE XXXIV AMENDMENTS AND CHAPTER 14 ZONING, ARTICLE XXXII BOARD OF ADJUSTMENT; 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 XXXIV Amendments, Section 2 Procedure subsection (6) is hereby amended to read:

“(6) Upon the filing of an application to amend the comprehensive master plan land use category or the zoning on a lot or tract of land or property, or for the issuance of a specific use permit relative thereto, the owner/developer/applicant shall be required to place an informational sign on such lot or tract of land.

(A) The size of the sign shall be four feet by four feet and be made out of aluminum or ten mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.

(B) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.

(C) The sign shall be visible from and placed perpendicular to the street.

(D) There shall be one sign for each 500 feet of street frontage.

(E) The sign shall have a white background, with the letters and borders being blue in color. The sign shall include the following information, as applicable: The type of request, the case number, the town's logo, the Town's contact number, and the web address for the Town.

(F) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action of the requested change or amendment. The owner/developer/applicant shall also be required to replace missing informational signs within two weeks of staff notifying them of the absence.”

3.02 That the Town of Hickory Creek Code of Ordinances, Chapter 14: Zoning, Article XXXII Board of Adjustment, Section 4 Variances subsection (5) is hereby created and shall read:

“(5) Upon the filing of an application for a variance on a lot or tract of land or property, the owner/developer/applicant shall be required to place an informational sign on such lot or tract of land.

(A) The size of the sign in a residential district shall be two feet by two feet, and in a non-residential district shall be four feet by four feet, and be made out of aluminum or ten mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.

(B) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.

(C) The sign shall be visible from and placed perpendicular to the street.

(D) There shall be one sign for each 500 feet of street frontage.

(E) The sign shall have a white background, with the letters and borders being blue in color. The sign shall include the following information, as applicable: The type of request, the case number, the town's logo, the Town's

contact number, and the web address for the Town.

(F) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action of the requested change or amendment. The owner/developer/applicant shall also be required to replace missing informational signs within two weeks of staff notifying them of the absence.”

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 the subject matter hereof 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 \_\_\_\_\_ day of October, 2022.

\_\_\_\_\_  
Lynn Clark, Mayor  
Town of Hickory Creek, Texas

**ATTEST:**

\_\_\_\_\_

Kristi Rogers, Town Secretary  
Town of Hickory Creek, Texas

APPROVED AS TO FORM:

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