



**NOTICE OF
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN AVENUE, HICKORY CREEK, TEXAS 75065
TUESDAY, JUNE 20, 2023, 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. May 9, 2023 Meeting Minutes

Regular Agenda

2. Discuss, consider and act on the appointment of a Chairperson and Vice-Chairperson.
3. Discuss, consider and act on a recommendation for a Preliminary/Final Plat of the Metso Addition, Lot 1, Block A, 1.083 acres, being a 1.021 & 0.062 acres tracts situated in the Lowry Cobb Survey, Abstract Number 284, Town of Hickory Creek, Denton County, Texas. The property located at 109 Timberlake Lane.

4. 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 VII SF-1 Residential, Article VIII SF-2 Residential, Article IX SF-3 Residential, Article X TH-1 Townhouse District, and Article XII.5 GMH Garth Addition Mobile Home Single-Family Residential to modify impervious surface limits 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 June 14, 2023 at 4:30 p.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, MAY 09, 2023**

MINUTES

Call to Order

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

Roll Call

PRESENT

Chairman Tim May
Commissioner Dustin Jensen
Commissioner Rodney Barton
Commissioner Jaycee Holston
Commissioner Don Rowell

ABSENT

Vice Chairman David Gilmore
Commissioner Bryant Hawkes

ALSO PRESENT

Trey Sargent, Town Attorney
John Smith, Town Administrator
Lee Williams, Halff and Associates
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 given by Chairman May.

Public Comment

No Public Comment

Consent Agenda

1. February 21, 2023 Meeting Minutes

Motion to approve the minutes made by Commissioner Barton, Seconded by Commissioner Holston.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Commissioner Rowell. Motion passed unanimously.

Regular Agenda

2. Discuss, consider and act on a recommendation for an amendment to the 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.

Mr. Smith explained the new Information Sheets and gave an overview of the Lakesound Addition.

Mr. Williams explained some unresolved drainage comments had necessitated changes to the plat after approval.

Motion to approve the plat as presented made by Commissioner Jensen, Seconded by Commissioner Holston.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Commissioner Rowell. Motion passed unanimously.

3. Discuss, consider and act on a recommendation for an amendment to the site and landscape plan for Alpha-Omega Hickory Creek Addition, Lot 1, Block A, 2.895 acres, 8560 S. Stemmons Freeway, situated in the Susan O. McCarroll Survey, Abstract No. 958, Town of Hickory Creek, Denton County, Texas.

John Smith explained modifications were found to be necessary after on site construction had begun. They are planning on keeping the existing metal building on site which required some changes to the parking and topography.

Chris Morphew, Reliant Construction, explained the grading would not allow access to the building. The number of trees on site remains the same but four trees will be moved. There is a small change in the drainage calculations with a minimal difference in the retaining pond. The parking places have been rearranged.

Mr. Williams discussed the remaining comments on his letter: a tree proposed to be removed and a small change in the opening in the screen wall for drainage. There is a small increase in impervious coverage with a slight change in flow but not enough to affect the drainage and will not affect the property to the west. The parking count has not changed. Ms. Chaudoir stated she and Mr. Morphew had discussed the tree in question and it would not be removed.

Motion to recommend approval of the amendment as presented made by Commissioner Barton, Seconded by Commissioner Rowell.

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Commissioner Rowell. Motion passed unanimously.

4. Discuss, consider and act on a recommendation for the final plat of Reserve at Hickory Creek, Block A, Lots 1-20, 21X; Block B, Lots 1-15, 16X; Block C, Lots 1-12, 13X; Block D, Lots 1-12, 13X; Block E, Lots 1-12, 13X; Block F, Lots 1-14, 15X; Block G, Lots 1-12, 13X; Block H, Lots 1-12, 13X; Block I, Lots 1-12, 13X; Block J, Lots 1-12, 13X; Block K, Lots 1-12, 13X; Block L, Lot 1X; Block M, Lots 1-20, 21X; Block N, Lots 1-20, 21X; Block

O, Lots 1-20, 21X; Block P, Lots 1-20, 21X; Block Q, Lot 1X: 18.8530 acres, 225 residential lots, 17 open space lots, situated in the H.H. Swisher Survey, Abstract no. 1220, Town of Hickory Creek, Denton County, Texas.

Mr. Smith gave a brief history of the project. Mr. Williams said there were a few comments left on the construction plans, but the drainage was good and Halff recommended approval of the final plat. Chairman May made suggestions for the word "height" to be added to the fence notations.

Motion made by Commissioner Rowell to recommend approval with the fence notations, Seconded by Commissioner Jensen.

Voting Yea: Commissioner Jensen, Commissioner Holston, Commissioner Rowell.

Voting Abstaining: Commissioner Barton. Motion passed.

5. Discuss, consider and act on a recommendation for an amendment to the final plat for Lake Dallas RV Park No.2, Lot 1A, Block 1, being a replat of Lot 1, Block 1, Lake Dallas RV Park no.2, an addition to the City of Hickory Creek, as recorded in Inst. No. 2022-457, P.R.D.C.T., situated in the Lowery Cobb Survey, Abstract Number 284, Town of Hickory Creek ETJ, Denton County Texas. The property is located in the 130 block of Folly Beach Road.

Braden Smith, property owner, John Smith, Mr. Williams and Ms. Chaudoir gave an overview of changes.

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

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Commissioner Rowell. Motion passed unanimously.

Adjournment

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

Voting Yea: Commissioner Jensen, Commissioner Barton, Commissioner Holston, Commissioner Rowell. Motion passed unanimously.

Meeting adjourned at 6:31 p.m.

Approved:

Attest:

Tim May, Chairman
Planning and Zoning Commission

Chris Chaudoir, Administrative Assistant
Town of Hickory Creek



AGENDA INFORMATION SHEET

Project Name: Appointment of Officers

Meeting Date: June 20, 2023

Agenda Item: 2

Discuss, consider and act on the appointment of a Chairperson and Vice-Chairperson.

Background:

Chapter 1 General Provisions, Section 1.07.002 (d) of the town's Code of Ordinances states, in part, "At the first meeting after the appointment of members of a board or commission for a new term, the members shall elect one of their members as the chairman and one of their members as the vice-chairman. In the absence of the chairman, the vice-chairman shall act as chairman and shall exercise all powers of the chairman. In the event of the absence of the chairman and vice-chairman, another member may preside over the meeting."

On the ballot provided at the meeting, rank candidates 1 – 7 with 1 being your first choice, 2 being your second choice, etc. The person with the lowest total is elected Chairperson and the second lowest total Vice-Chairperson. Please score every applicant without leaving any blank. If you do not wish to serve, please inform the board secretary to withdraw your name.

Members:

Place 1	Dustin Jensen
Place 2	Rodney Barton
Place 3	Brenda Kihl
Place 4	Bryant Hawkes
Place 5	Colin Johnson
Place 6	Tim May
Place 7	David Gilmore



AGENDA INFORMATION SHEET

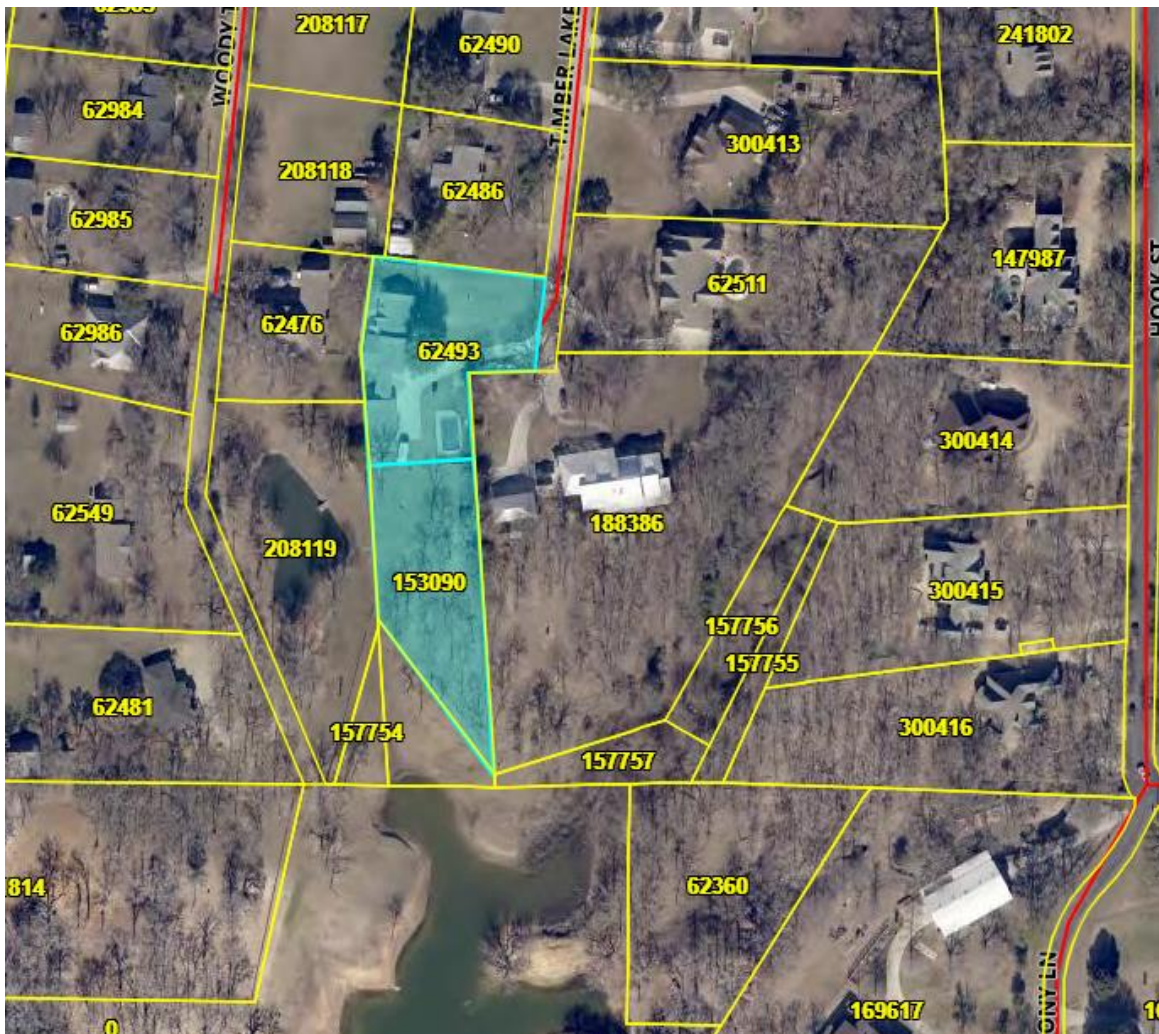
Project Name: Metso Addition

Meeting Date: June 20, 2023

Agenda Item: 3

Discuss, consider and act on a recommendation for a Preliminary/Final Plat of the Metso Addition, Lot 1, Block A, 1.083 acres (47,161 sq. ft.), being a 1.021 & 0.062 acres tracts situated in the Lowry Cobb Survey, Abstract Number 284, Town of Hickory Creek, Denton County, Texas. The property, located at 109 Timberlake Lane, is zoned SF-2.

Aerial Map:



Background:

The property is currently two (2) unplatted lots in the Hickory Estates Addition neighborhood. The Hickory Estates Addition was dedicated in 1960 with a map of the addition. The map did not establish a Lot / Block format leaving the individual lots as indicated in the Lowry Cobb Survey. The main house on the property was constructed in 1975, prior to the Zoning Ordinance.

One lot is developed, and the other is not. The undeveloped lot is landlocked with little to no possibility for independent development without the granting of an access easement by one of the neighboring properties.

The area is zoned as a Single Family District which does not allow for an accessory building without a main structure on a lot. The owners wish to construct an accessory structure on the property that would not comply with the SF-2 zoning setbacks on either lot. Platting the lots together would establish a building line for the combined lot and allow the owners to install the new accessory.

Previous Action/Review:

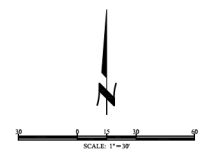
Date	Request	Meeting	Result
6/17/1855	Lowry Cobb Survey	State of Texas	Established Document 1855-77001199
5/23/1960	Hickory Estates Addition	Commissioner's Court of Denton County	Dedicated and mapped Documents 1960-3126 & 1960-3127

Timeline:

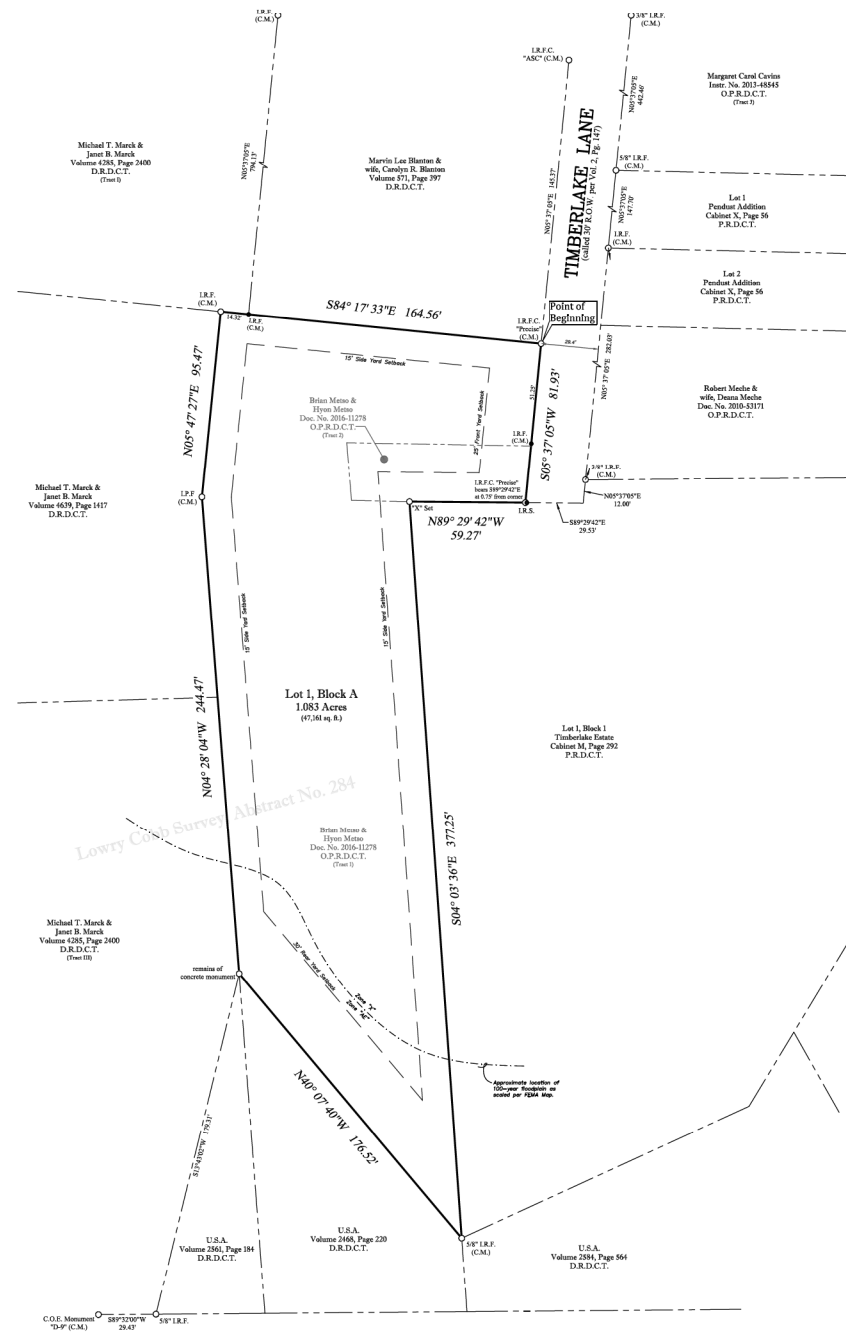
Plat received May 1, 2023 and forwarded to Halff. Comments received June 5, 2023 and returned to applicant. Applicant responses forwarded to Halff June 9th. May 4, 2023 received confirmation from owner that plat would be considered on June agenda.

Summary:

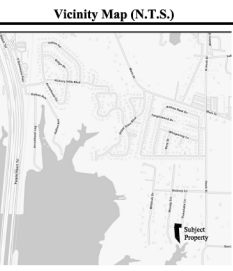
Approval recommended by Halff June 14, 2023



- Notes:**
- Bearings shown hereon are based on the Texas State Plane Coordinate System, North Central Zone 4202, NAD83 (U.S. Feet).
 - It is my opinion that the property described hereon partially lies within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 481120 0254, present Effective Date of map: April 18, 2011, herein property situated within Zones "A1" & "X" (Shaded & Unshaded).
 - Notice: Selling a portion of this addition by meter and bounds is a violation of Town subdivision ordinance and state planning statutes and is subject to fines and withholding of utility and building certificates.
 - The purpose of this plat is to create a Lot of record from previously un-platted tracts.
 - This plat was prepared without the benefit of a current title search, therefore no search of recorded easements was performed on the subject property.
 - Set backs shown hereon are based on current zoning regulations.



- LEGEND**
- I.R.F. - 1/2" Iron Rod Found
 - I.R.S. - 1/2" Iron Rod Set with Blue cap stamped "061 Town Surveying"
 - I.P.F. - 3/4" Iron Pipe Found
 - C.M. - Controlling Monument
 - C.O.E. - Corps of Engineers
 - R.O.W. - Right-of-Way
 - D.R.D.C.T. - Deed Records, Denton County, Texas
 - P.R.D.C.T. - Plat Records, Denton County, Texas
 - O.P.R.D.C.T. - Official Public Records, Denton County, Texas



RECOMMENDED FOR APPROVAL

Chairman, Planning and Zoning Commission _____ Date _____
 Town of Hickory Creek, Texas

APPROVED FOR PREPARATION OF FINAL PLAT

Mayor, Town of Hickory Creek, Texas _____ Date _____

The undersigned, the town secretary of Town of Hickory Creek, Texas, hereby certifies that the foregoing final plat of the METSO ADDITION to the Town of Hickory Creek was submitted to the town council on the _____ of _____, 2023, and the council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines, as shown and set forth in and upon said plat, and said council further authorized the Mayor to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness my hand this _____ day of _____ A.D., 2023.

Town Secretary _____
 Town of Hickory Creek, Texas

STATE OF TEXAS §
 COUNTY OF DENTON §

This is to certify that I, Thomas W. Mauk, a Registered Professional Land Surveyor of the State of Texas, have plotted the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

Thomas W. Mauk, R.P.L.S.
 No. 5119

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Thomas W. Mauk, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

OWNER
 Brian & Hyon Metso
 107 Timberlake Lane,
 Hickory Creek, TX 75045
 Ph: 940.279.0487

SURVEYOR
Old Town Surveying, LLC
 Professional Land Surveyors
 17000 Pine Grove, Suite 100, Denton, Texas, 76205
 P.O. Box 8877 | oldtownsurveying.com | 750
 FTS Number: 310461
 Prepared By: Jim Isbell

STATE OF TEXAS §
 COUNTY OF DENTON §

WHEREAS Brian Metso and Hyon Metso are the owners of two (2) tracts of land situated in the Lowry Cobb Survey, Abstract Number 284, Denton County, Texas, according to deed recorded under Instrument Number 2016-11278, Official Public Records, Denton County, Texas (O.P.R.D.C.T.), and being more particularly described as follows: **BEGINNING** at a 1/2 inch iron rod with cap stamped "Precise" found for corner being the northeast corner of the herein described tract, same point being the southeast corner of a tract of land described by deed to Mary Lee Blanton and wife, Carolyn B. Blanton, recorded in Volume 271, Page 397, Deed Records, Denton County, Texas (D.R.D.C.T.), and being in the west right-of-way line of Timberlake Lane;

THENCE South 05 degrees 37 minutes 05 seconds West, with the west right-of-way line of said Timberlake Lane, passing a 1/2 inch iron rod found for witness at 11.25 feet, and continuing on for a total distance of 81.93 feet to a 1/2 inch iron rod with blue cap stamped "OLD TOWN SURVEYING" set for corner being in the north line of Lot 1, Block 1 of Timberlake Estates, an addition to the Town of Hickory Creek, Denton County, Texas, according to the plat thereof recorded in Cabinet M, Page 292, Plat Records, Denton County, Texas (P.R.D.C.T.), from which a 1/2 inch iron rod with cap stamped "Precise" found bears South 89 degrees 29 minutes 42 seconds East at 0.75 feet;

THENCE North 09 degrees 29 minutes 42 seconds West, a distance of 59.27 feet to a "X" set in concrete for corner being the northwest corner of said Lot 1;

THENCE South 04 degrees 01 minutes 34 seconds East, a distance of 377.25 feet to a 5/8 inch iron rod found for corner being the most westerly corner of said Lot 1, same point being the northwest corner of a tract of land described by deed to the United States of America (U.S.A.), recorded in Volume 2384, Page 564, D.R.D.C.T., and being the northeast corner of a tract of land described by deed to the U.S.A., recorded in Volume 2468, Page 230, D.R.D.C.T.;

THENCE North 40 degrees 07 minutes 40 seconds West, a distance of 176.52 feet to the remains of a concrete monument found for corner being the northeast corner of said U.S.A. tract (Vol. 2468, Pg. 230), same point being the most northerly corner of a tract of land described as to the U.S.A., recorded in Volume 2561, Page 184, D.R.D.C.T., and being an east corner of a tract of land described as Tract III by deed to Michael T. Mack and Janet B. Mack, recorded in Volume 4285, Page 2400, D.R.D.C.T.;

THENCE North 04 degrees 28 minutes 04 seconds West, a distance of 244.47 feet to a 3/4 inch iron pipe found for corner being an east corner of a tract of land described by deed to Michael T. Mack and Janet B. Mack, recorded in Volume 4639, Page 1417, D.R.D.C.T.;

THENCE North 05 degrees 47 minutes 27 seconds East, a distance of 95.47 feet to a 1/2 inch iron rod found for corner being the northeast corner of said Mack tract (Vol. 4639, Pg. 1417), same point being in the south line of a tract of land described as Tract I by said Mack deed (Vol. 4285, Pg. 2400);

THENCE South 84 degrees 17 minutes 33 seconds East, passing a 1/2 inch iron rod found for the southeast corner of said Mack Tract I and the southeast corner of said Blanton tract at 14.32 feet, and continuing on for a total distance of 164.56 feet to the POINT OF BEGINNING and containing 1.083 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT we, Brian Metso and Hyon Metso, by and through its duly authorized officer, do hereby accept this plat designated herein as METSO ADDITION, LOT 1, BLOCK A, an addition to the Town of Hickory Creek, Denton County, Texas, and do hereby dedicate to the public use thereof any streets and easements for the purpose and consideration expressed herein.

Brian Metso _____ Hyon Metso _____
 (owner) (owner)

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas _____

STATE OF TEXAS §
 COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brian Metso and Hyon Metso, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

FINAL PLAT
METSO ADDITION
LOT 1, BLOCK A
 1.083 Acres (47,161 sq. ft.)
 Being a 1.021 & 0.062 acre tracts
 situated in the Lowry Cobb Survey
 Abstract Number 284,
 Town of Hickory Creek,
 Denton County, Texas
 Zoned SF - 2

FOR DENTON COUNTY USE ONLY

FOR DENTON COUNTY USE ONLY



June 14, 2023
AVO 37638.200

Ms. Chris Chaudoir
Town of Hickory Creek
1075 Ronald Reagan Avenue
Hickory Creek, TX 75065

**Re: Metso Addition – Final Plat
2nd Review**

Dear Ms. Chaudoir:

The Town of Hickory Creek received a Final Plat application for the Metso Addition on May 5, 2023. The surveyor is Old Town Surveying, LLC. The owner is Brian and Hyon Metso.

2nd Review Submittal Received: June 14, 2023

Halff recommends approval of the Final Plat received on June 14, 2023. All previous comments have been addressed.

Final Plat

1. Please provide ten (10) sets of final plat submitted to the Town. (See checklist)
2nd Review: To be provided.
2. Please update date in the title block. (See markups and checklist)
2nd Review: Addressed
3. Please provide minimum building setback lines for specified zoning designation per Town Ordinances. It is understood existing buildings/improvements fall within this setback area, but setback lines will need to be included for platting for any future improvements/development. (See markups and checklist).
2nd Review: Addressed
4. Include tax certificates for final submittal. (See checklist)
2nd Review: Provided
5. Note that portion of existing concrete driveway encroaches on Timberlake Estate Lot 1 blk. 1 property. No action required. (See markups)
2nd Review: Noted

Sincerely,

HALFF
TBPELS Engineering Firm No. 312

Kevin Gronwaldt, PE
Consulting Engineer for the Town of Hickory Creek

C: Kristi Rogers – Town Secretary
John Smith – Town Administrator



AGENDA INFORMATION SHEET

Project Name: Update to Impervious Surface Limits in Residential Zoning Districts

Meeting Date: June 20, 2023

Agenda Item: 4

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 VII SF-1 Residential, Article VIII SF-2 Residential, Article IX SF-3 Residential, Article X TH-1 Townhouse District, and Article XII.5 GMH Garth Addition Mobile Home Single-Family Residential to modify impervious surface limits within the districts and consider and act on a recommendation for the same.

Background:

According to the U.S. Environmental Protection Agency, impervious surfaces prevent rainwater from entering the soil. Pollutants from aerial and terrestrial sources accumulate on impervious surfaces until runoff from a precipitation event carries sediment, nutrients, metals, and pesticides into stormwater drains and directly to local waterbodies. The establishment of impervious cover guidelines prevents residential properties from being over developed and curtails drainage issues.

The intent of this change is to add side yard to the front and corner side yards adopted in the previous ordinance. Items typically found in side yards include air-conditioning units, solar equipment, generators, walkways, garbage can pads, etc. which effect the drainage flow lot to lot. The maximum coverage area in Town House districts (TH-1) was changed from 40% to 50%. TH-1 lots are required to be a minimum of 30 feet wide. 50% coverage allows for a more generous driveway width and walkway without zoning modifications.

Previous Action/Review:

Date	Request	Meeting	Result
10/1986	Comprehensive Zoning Ordinance	Council	Established
2/15/22	Add impervious surfaces limits in SF-1, SF-2, SF-3, TH-1, & GMH zoning areas	PnZ	Added 40% max. coverage to front & corner side yard in listed zoning areas. Approval Recommended

3/28/22	Ord 2022-03-899 Add impervious surfaces limits in SF-1, SF-2, SF-3, TH-1, & GMH districts	Council	Approved
6/20/23	Update impervious surface limits to include side yards in SF-1, SF-2, SF-3, TH-1, & GMH zoning areas	PnZ	Adds a max. coverage to side yards in listed zoning areas. TH-1 max. changed from 40% to 50%.
6/26/23	Update impervious surface limits to include side yards in SF-1, SF-2, SF-3, TH-1, & GMH zoning areas	Council	

Summary: Town staff recommends approval.

TOWN OF HICKORY CREEK, TEXAS

ORDINANCE NO. 2023 - ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING CHAPTER 14 ZONING, ARTICLE VII SF-1 RESIDENTIAL, ARTICLE VIII SF-2 RESIDENTIAL, ARTICLE IX SF-3 RESIDENTIAL, ARTICLE X TH-1 TOWNHOUSE DISTRICT, AND ARTICLE XII.5 GMH GARTH ADDITION MOBILE HOME SINGLE-FAMILY RESIDENTIAL; 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, Section 3 Area Regulations subsection (11) is hereby amended to read:

“Impervious Surface Limit: The total impervious surface installed upon any front yard, side yard, or corner side yard shall not exceed 40 percent.”

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

“Impervious Surface Limit: The total impervious surface installed upon any front yard, side yard, or corner side yard shall not exceed 40 percent.”

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

“Impervious Surface Limit: The total impervious surface installed upon any front yard, side yard, or corner side yard shall not exceed 40 percent.”

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

“Impervious Surface Limit: The total impervious surface installed upon any front yard, side yard, or corner side yard shall not exceed 50 percent.”

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

“Impervious Surface Limit: The total impervious surface installed upon any front yard, side yard, or corner side yard shall not exceed 40 percent.”

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 the subject matter of this ordinance 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 May, 2023.

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