

**TOWN OF HICKORY CREEK, TEXAS  
ORDINANCE NO. 2019-02-810**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HICKORY CREEK, TEXAS, AMENDING THE TOWN'S COMPREHENSIVE ZONING ORDINANCES, CHAPTER 14: ZONING, EXHIBIT "A" ZONING ORDINANCE, ARTICLE IV: CLASSIFICATION OF DISTRICTS TO PROVIDE FOR A NEW ZONING DISTRICT TO BE ENTITLED MIXED USE WITH SUB-CATEGORIES OF MIXED USE SUBURBAN DISTRICT AND MIXED USE REGIONAL DISTRICT; PROVIDING FOR INCORPORATION OF PREMESIS; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR THE TOWN OF HICKORY CREEK TO BRING SUIT IN DISTRICT COURT TO ENJOIN THE PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION FROM ENGAGING IN THE PROHIBITED ACTIVITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Hickory Creek 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 operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Title 7, Chapter 211.003 of the Texas Local Government Code empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

**WHEREAS**, the Town Council has determined that there is a need for a range of mixed use zoning categories and that the proposed additions are consistent with the Comprehensive Land Use Plan of the Town and in the public interest.

**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 and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing, the Town Council has concluded that the Amendment of the Planned Development and the adoption of this Ordinance is in the best interest of the Town of Hickory Creek, Texas, and of the public health, safety, and welfare.

## **SECTION 3** **AMENDMENT**

**SECTION 3.01:** The Code of Ordinances of the Town of Hickory Creek, Texas; Chapter 14: Zoning, Exhibit A, Zoning Ordinance, Article IV: Classification of Districts is hereby amended to add under categories of Other Districts the new zoning classifications of MU-1 Mixed Use Suburban District and MU-2 Mixed Use Regional District.

**SECTION 3.02:** The Code of Ordinances of the Town of Hickory Creek, Texas; Chapter 14: Zoning, Exhibit A, Zoning Ordinance is hereby amended to add a new Article XXII to be entitled MU-1, Mixed Use Suburban District which shall read as follows:

### **“ARTICLE XXII MU-1, MIXED USE SUBURBAN DISTRICT**

#### **SECTION 1: General purpose and description:**

(1) The purpose of the mixed use suburban district is to encourage and promote well-planned, compact and viable development consisting of an integrated blend of residential, neighborhood retail and office uses. The proposed residential, retail and office uses may be located in the same building (integrated) or across the street (stand-alone) from each other, with a majority of the developed acreage devoted to residential uses. Through the mixing of uses, a more diverse selection of residential, retail and office space will be provided within the Town, and at the same time, allowing developers the flexibility to respond to the ever-changing economic landscape.

(2) Mixed use developments should encourage efficient land use by facilitating blended vertical and/or horizontal development, with a strong relationship to the surrounding environment. This type of development shall promote full utilization of public services, whether existing or new, such as water lines, sewers, streets, and emergency services, by centralizing the demands on these services.

**SECTION 2: Permitted (P) or conditional (C) uses:** (conditional uses are subject to Article XXII, Section 5 of the Comprehensive Zoning Ordinance)

#### **Residential Uses**

Dwelling, single-family attached

P

|                                                  |   |
|--------------------------------------------------|---|
| Dwelling, single-family detached                 | P |
| Food or grocery store                            | P |
| Food or grocery store (with beer and wine sales) | C |
| Franchised private utility                       | P |
| Dwelling, two-family                             | P |
| Funeral home                                     | C |
| Living quarters on-site with a business          | P |
| Garden shop (inside storage)                     | P |
| Manufactured home subdivision                    | C |
| General retail store                             | P |
| Patio home                                       | P |
| Golf course (public/private)                     | C |
| Residential loft                                 | P |
| Governmental building                            | P |

#### Nonresidential Uses

|                                         |   |
|-----------------------------------------|---|
| Group day care home                     | C |
| Amusement park                          | C |
| Hotel/motel                             | C |
| Amusement ride                          | C |
| Kiosk (providing a service)             | P |
| Amusement services (indoors)            | C |
| Laundry/dry cleaning (drop off/pick up) | P |
| Armed services recruiting center        | P |
| Medical facilities                      | C |
| Artist studio                           | P |
| Micro brewery                           | C |
| Assisted living facility                | C |
| Motorcycle sales and repair             | C |
| Auto laundry or carwash                 | P |
| Municipal facility                      | P |

|                                                |   |
|------------------------------------------------|---|
| Auto repair (minor)                            | C |
| Nursing/convalescent home                      | C |
| Auto supply store for new & rebuilt parts      | P |
| Offices (professional and general business)    | P |
| Bakery or confectionery (retail)               | P |
| Parking lot structure, commercial (auto)       | P |
| Bank/credit unions                             | P |
| Personal services shop                         | P |
| Bed & breakfast inn                            | P |
| Pet and animal grooming shop                   | P |
| Caretaker's/guard's residence                  | C |
| Recycling kiosk                                | P |
| Carnival                                       | C |
| Restaurant (with drive-through service)        | C |
| Child day care (business)                      | C |
| Restaurant (with no drive-through service)     | P |
| Church/place of worship                        | P |
| Retirement home/home for the aged              | P |
| Community center (municipal)                   | P |
| Seasonal business                              | C |
| Community home                                 | C |
| Concrete or asphalt batching plant (temporary) | C |
| Studio for radio or television (without tower) | P |
| Convenience store (with beer and wine sales)   | C |
| Temporary amusement rides                      | C |
| Convenience store (with or without gas sales)  | P |
| Temporary business                             | C |
| Extended stay hotels/motels (residence hotels) | C |
| Outdoor retail sales/commercial promotion      | C |
| Family home (adult or child care)              | C |
| Theater or playhouse (indoor)                  | P |
| Farmers market (public)                        | C |

**SECTION 3: Development regulations:**

(1) District size:

- (A) Minimum district size; five (5) acre.

(2) Density:

- (A) Maximum ten (10) dwelling units per gross acre (du/ga); and

- (B) Maximum floor area ratio (FAR); 0.45.

(3) Land use mix limits: All MU-1 zoning districts will have a mix of residential and nonresidential uses at the following rates:

- (A) Residential uses (stand-alone); between 66% and 85% of the net acre(s);  
or

- (B) Residential uses (integrated); between 51% and 75% of the allowable FAR;  
and

- (C) Nonresidential uses (stand-alone); between 33% and 15% of the net acres;  
or

- (D) Nonresidential uses (integrated); between 49% and 25% of the allowable FAR.

(4) Perimeter setbacks:

- (A) Front yard. Twenty-five (25) feet

- (B) Side yard. Fifteen (15) feet.

- (C) Rear yard. Twenty-five (25) feet.

- (D) Any building other than single-family detached buildings which are located adjacent to (and not across any right-of-way from) any existing single-family detached zoning district shall be setback from the applicable perimeter property line a distance equal to the height of the building, but not less than twenty (20) feet.

(5) Open space:

(A) A minimum of fifteen (15) percent of the gross acres of entire zoning district will be reserved as usable open space.

(B) An increase in density may be achieved at the following rates:

(i) Half (0.5) du/ga for each additional five (5) percent of gross acres reserved as usable open space; or

(ii) A tenth (0.1) point FAR for each additional five (5) percent of gross acres reserved as usable open space.

(6) Impervious surface: Maximum 75% of the total net area, including but not limited to, main buildings, accessory buildings, parking lots, roads, drives, alleys, and loading areas.

(7) Connectivity: A minimum of two (2) vehicular points of connection to adjacent roadways and a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.

**SECTION 4: Lot regulations:**

(1) Single-family detached:

(A) Lot size: Minimum fifty five hundred (5,500) square feet and fifty-five (55) feet in width when measured at the front yard setback line.

(B) Primary structure: Shall not exceed thirty-five (35) feet in height as measured to the peak.

(C) Interior setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum seven and a half (7.5) feet.

c. Rear yard. Minimum fifteen (15) feet.

(ii) Garage door:

a. Front yard. Minimum twenty (20) foot.

a. Front yard. Minimum fifteen (15) feet, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum ten (10) feet; or when nonresidential uses are platted adjacent to other nonresidential uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Town's building code.

c. Rear yard. Minimum fifteen (15) feet.

**SECTION 5:** Parking requirements. Refer to Chapter 14, Article XXIV.

**SECTION 6:** Landscaping requirements. Refer to Chapter 10, Article 10.02

**SECTION 7:** Special requirements:

(1) Application requirements. Specific items required. No application for a MU-1 district shall be accepted by the Town until the following items have been submitted to the Town by the applicant:

(A) A concept plan, prepared in accordance with item (2) below;

(B) A description of development standards or requirements;

(C) A description of how the proposed mixed use development fulfills the ideals, goals, objectives, and/or concepts of the Town's adopted comprehensive plan or any other formally adopted Town planning document, such as the master park plan or public facility plan; and

(D) The required application fee.

(2) Concept plan.

(A) Unless the zoning district amendment is initiated by the Town Council, no MU-1 district may be established without an approved concept plan that illustrates the following.

(B) Content of concept plan. The concept plan shall be submitted by the applicant at the time of application. The concept plan shall graphically show the applicant's intent for the use of the land within the proposed mixed use district. All applications that do not include the concept plan requirements will be considered incomplete.

b. Side yard. Minimum twenty (20) feet.

c. Rear yard. Minimum fifteen (15) feet.

(2) Single-family attached:

(A) Lot size: Minimum three thousand (3,000) square feet and thirty (30) feet in width when measured at the front yard setback line.

(B) Primary structure: Shall not exceed thirty-five (35) feet in height as measured to the peak.

(C) Interior setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Seven and a half (7.5) feet.

c. Rear yard. Minimum fifteen (15) feet.

(ii) Garage door:

a. Front yard. Minimum twenty (20) foot.

b. Side yard. Minimum twenty (20) feet.

c. Rear yard. Minimum fifteen (15) feet.

(3) Nonresidential development:

(A) Lot size: Minimum ten thousand (10,000) square feet.

(B) Primary structure: Shall not exceed fifty-five (55) feet in height as measured to the peak or highest point on a parapet wall or other architectural roof element.

(C) Interior setbacks:

(i) Primary structure:

(i) Residential. A concept plan for residential land use shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, generalized location of treed areas, floodplain areas, location of all land use areas and gross acreage for each use and tract, density (net and gross), identification of major access points, rights-of-way or other areas to be dedicated to the Town, open space or common areas, fence row trees and/or proposed mitigation of same, park land, preliminary lot arrangements and street patterns, indication of each phase of development if separate phases are proposed, and other information to adequately describe the proposed development. For residential development which does not propose individual platted lots, the concept plan shall also show the size, type and location of buildings, building sites, lot coverage, access, screening, parking and circulation areas, and landscaped areas. Building elevations shall be required except for single-family detached structures.

(ii) Nonresidential. A concept plan for other than residential uses shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, floodplain areas, generalized locations of treed areas, the land uses, gross acreage for each use, building sites or lots, building elevations, lot coverage, floor area ratio for each use, building height and location, parking and circulation areas, identification of major access points, rights-of-way or other areas to be dedicated to the Town, location of building setbacks along the site boundaries on dedicated streets and between residential and nonresidential uses, parking ratios, fence row trees and/or proposed mitigation of same, off-street parking and loading, indication of each phase of development if separate phases are proposed and other information to adequately describe the proposed development.

(C) The concept plan shall be incorporated as a component to the MU-1 district zoning regulations and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

(3) Open storage. Open storage is limited to a maximum of 5% of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any street, and must be screened in accordance with the provisions of applicable Town ordinances. Storage must not be visible from any public street or adjacent property.

(4) Temporary facilities. There shall be no permanent use of temporary facilities or buildings.

(5) Other regulations. Refer to development standards and use regulations.

**SECTION 3.03:** The Code of Ordinances of the Town of Hickory Creek, Texas; Chapter 14: Zoning, Exhibit A, Zoning Ordinance is hereby amended to add a new Article XXII to the entitled MU-2, Mixed Use Regional District which shall read as follows:

**“ARTICLE XXII MU-2, MIXED USE REGIONAL DISTRICT**

**SECTION 1:** General purpose and description:

(1) The purpose of the mixed use regional district is to encourage and promote well-planned, compact and viable commercial development, with an integrated blend of attached residential, multifamily residential, intense commercial and large-scale office. The proposed commercial, office or residential uses may be located in the same building (integrated) or across the street (stand-alone) from each other, with a majority of the finished interior building square footage devoted to nonresidential uses. Through the mixing of uses, a more diverse selection of residential, commercial and office space will be provided within the Town, and at the same time, allowing developers the flexibility to respond to the ever-changing economic landscape.

(2) Mixed Use developments should encourage efficient land use by facilitating integrated vertical and/or horizontal development, with a strong relationship to the surrounding environment. This type of development shall promote full utilization of public services, whether existing or new, such as water lines, sewers, streets, and emergency services, by centralizing the high demands on these services.

**SECTION 2:** Permitted (P) or conditional (C) uses:

Residential uses

|                                         |   |
|-----------------------------------------|---|
| Franchised private utility              | P |
| Dwelling, multiple-family               | P |
| Fraternal organization, lodge or union  | P |
| Dwelling, single-family attached        | P |
| Funeral home                            | C |
| Dwelling, two-family                    | P |
| Garden shop (inside storage)            | P |
| Living quarters on-site with a business | P |
| General retail store                    | P |
| Residential loft                        | P |
| Group day care home                     | P |
| Rooming/boardings house                 | C |

|                                       |   |
|---------------------------------------|---|
| Home improvement center (lumber yard) | C |
|---------------------------------------|---|

Nonresidential uses

|                                           |   |
|-------------------------------------------|---|
| Hotel/motel                               | P |
| Amusement park                            | C |
| Household appliance service and repair    | P |
| Amusement ride                            | C |
| Kiosk (providing a service)               | P |
| Amusement services (indoors)              | P |
| Laundry/dry cleaning (drop off/pick up)   | P |
| Amusement services (outdoors)             | P |
| Medical facilities                        | P |
| Armed services recruiting center          | P |
| Micro brewery                             | P |
| Artist studio                             | P |
| Mini-warehouse/self storage               | C |
| Assisted living facility                  | P |
| Motorcycle sales and repair               | P |
| Auto dealer (new and used)                | C |
| Municipal facility                        | P |
| Auto laundry or carwash                   | P |
| Nursery (grown for commercial purposes)   | C |
| Auto repair (major)                       | P |
| Nursery (retail sales outdoors)           | P |
| Auto repair (minor)                       | P |
| Nursing/convalescent home                 | P |
| Auto supply store for new & rebuilt parts | P |
| Office center                             | P |

|                                                  |   |
|--------------------------------------------------|---|
| Bakery or confectionery (retail)                 | P |
| Office warehouse                                 | C |
| Bank/credit unions                               | P |
| Offices (professional and general business)      | P |
| Bed & breakfast inn                              | P |
| Parking lot structure, commercial (auto)         | P |
| Caretaker's/guard's residence                    | C |
| Pawn shop                                        | P |
| Carnival                                         | C |
| Personal services shop                           | P |
| Check cashing service                            | C |
| Pet and animal grooming shop                     | P |
| Child day care (business)                        | P |
| Propane sales (retail)                           | P |
| Church/place of worship                          | P |
| Recycling kiosk                                  | P |
| Club, private (class I & II)                     | P |
| Rehabilitation care facility                     | C |
| Community home                                   | C |
| Rehabilitation care institutions                 | C |
| Concrete or asphalt batching plant (temporary)   | C |
| Restaurant (drive-in service)                    | P |
| Contractor's office/sales (with outside storage) | P |
| Restaurant (with drive-through service)          | P |
| Convenience store (with beer and wine sales)     | C |
| Restaurant (with no drive-through service)       | P |
| Convenience store (with or without gas sales)    | P |
| Retirement home/home for the aged                | P |
| Day camp for children                            | P |
| Seasonal business                                | C |
| Drapery, blind or furniture upholstery shop      | P |
| Security quarters (live-in)                      | C |

|                                                  |   |
|--------------------------------------------------|---|
| Dry cleaning plant                               | C |
| Extended stay hotels/motels (residence hotels)   | P |
| Studio for radio or television (without tower)   | P |
| Fairground/exhibition area                       | C |
| Temporary amusement rides                        | C |
| Family home (adult or child care)                | P |
| Temporary business                               | C |
| Farmers market (public)                          | C |
| Telemarketing agency                             | C |
| Feed & grain store                               | P |
| Outdoor retail sales/commercial promotion        | C |
| Food or grocery store                            | P |
| Theater or playhouse (indoor)                    | P |
| Food or grocery store (with beer and wine sales) | C |
| Tire dealer, with or without open storage        | C |

**SECTION 3: Development regulations:**

(1) District size:

(A) Minimum district size; one (1) acre.

(2) Density:

(A) Single-family attached units; maximum ten (10) dwelling units per gross acre (du/ga); and

(B) Multiple-family units; maximum eighteen (18) du/ga; and

(C) Maximum floor area ratio (FAR); 0.55 for integrated uses and stand-alone nonresidential.

(3) Land use mix limits: All MU-2 zoning districts will have a mix of residential and nonresidential uses at the following rates:

(A) Residential uses (stand-alone): between 15% and 25% of the net acre(s);  
or

(B) Residential uses (integrated): between 15% and 49% of the allowable FAR;  
and

- (C) Nonresidential uses (stand-alone): between 85% and 75% of the net acres;  
or
  - (D) Nonresidential uses (integrated): between 85% and 51% of the allowable FAR; and
  - (E) Multiple-family uses (stand-alone): Shall not exceed fifteen (15) percent of the gross area of the zoning district.
- (4) Perimeter setbacks:
- (A) Front yard. Fifteen (15) feet.
  - (B) Side yard. Fifteen (15) feet.
  - (C) Rear yard. Twenty-five (25) feet.
  - (D) Any building that is located adjacent to (and not across any right-of-way from) any existing single-family detached zoning district shall be setback from the applicable perimeter property line a distance equal to the height of the building, but not less than twenty-five (25) feet.
- (5) Open space:
- (A) A minimum of twenty (20) percent of the gross acres of entire zoning district will be reserved as usable open space.
  - (B) An increase in density may be achieved at the following rates:
    - (i) Half (0.5) du/ga for each additional five (5) percent of gross acres reserved as usable open space, excluding multiple-family uses; or
    - (ii) A tenth (0.1) point FAR for each additional five (5) percent of gross acres reserved as usable open space.
- (6) Impervious surface: Maximum 85% of the total net area, including but not limited to, main buildings, accessory buildings, parking lots, roads, drives, alleys, and loading areas.
- (7) Connectivity: A minimum of two (2) vehicular points of connection to adjacent roadways and a minimum of two (2) pedestrian points of connection to adjoining sidewalks, trails or developments shall be provided.

**SECTION 4: Lot regulations:**

- (1) Single-family attached:

(A) Lot size: Minimum five thousand (5,000) square feet and fifty (50) feet in width when measured at the front yard setback line.

(B) Height: Primary structure shall not exceed sixty-five (65) feet in height as measured to the peak.

(C) Interior setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum ten (10) feet; or when nonresidential uses are platted adjacent to other nonresidential uses and integrated into an overall shopping center site, creating lease spaces abutting one another, no side yard is required provided it complies with the Town's building code.

c. Rear yard. Minimum fifteen (15) feet.

**SECTION 5:** Parking requirements. Refer to Chapter 14, Article XXIV.

**SECTION 6:** Landscaping requirements. Refer to Chapter 10, Article 10.02.

**SECTION 7:** Special requirements:

(1) Application requirements. Specific items required. No application for a MU-2 shall be accepted by the Town until the following items have been submitted to the Town by the applicant:

(A) A concept plan, prepared in accordance with item (2) below;

(B) A description of development standards or requirements;

(C) A description of how the proposed mixed use development fulfills the ideals, goals, objectives, and/or concepts of the Town's adopted comprehensive plan or any other formally adopted Town planning document, such as the master park plan or public facility plan; and

(D) The required application fee.

(2) Concept plan.

(A) Lot size: Minimum twenty-five hundred (2,500) square feet and twenty (20) feet in width when measured at the front yard setback line.

(B) Height: Primary structure shall not exceed forty-five (45) feet in height as measured to the peak.

(C) Setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Seven and a half (7.5) feet.

c. Rear yard. Minimum fifteen (15) feet.

(ii) Garage door:

a. Front yard. Minimum twenty (20) foot.

b. Side yard. Minimum twenty (20) feet.

c. Rear yard. Minimum fifteen (15) feet.

(2) Multiple-family

(A) Height: Primary structures shall not exceed forty-five (45) feet in height as measured to the peak.

(B) Setbacks:

(i) Primary structure:

a. Front yard. Minimum fifteen (15) foot, integral architectural elements of the main structure may extend up to five (5) feet into the front yard.

b. Side yard. Minimum fifteen (15) feet.

c. Rear yard. Minimum fifteen (15) feet.

(3) Nonresidential development

(A) Unless the zoning district amendment is initiated by the Town Council, no MU-2 district may be established without an approved concept plan that illustrates the following.

(B) Content of concept plan. The concept plan shall be submitted by the applicant at the time of application. The concept plan shall graphically show the applicant's intent for the use of the land within the proposed mixed use district. All applications that do not include the concept plan requirements will be considered incomplete.

(i) Residential. A concept plan for residential land use shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, generalized location of treed areas, floodplain areas, location of all land use areas and gross acreage for each use and tract, density (net and gross), identification of major access points, rights-of-way or other areas to be dedicated to the Town, open space or common areas, fence row trees and/or proposed mitigation of same, park land, preliminary lot arrangements and street patterns, indication of each phase of development if separate phases are proposed, and other information to adequately describe the proposed development. For residential development which does not propose individual platted lots, the concept plan shall also show the size, type and location of buildings, building sites, lot coverage, access, screening, parking and circulation areas, and landscaped areas. Building elevations shall be required except for single-family detached structures.

(ii) Nonresidential. A concept plan for other than residential uses shall show site topography with contour intervals of no less than five (5) feet, the boundary of the planned development district, floodplain areas, generalized locations of treed areas, the land uses, gross acreage for each use, building sites or lots, building elevations, lot coverage, floor area ratio for each use, building height and location, parking and circulation areas, identification of major access points, rights-of-way or other areas to be dedicated to the Town, location of building setbacks along the site boundaries on dedicated streets and between residential and nonresidential uses, parking ratios, fence row trees and/or proposed mitigation of same, off-street parking and loading, indication of each phase of development if separate phases are proposed and other information to adequately describe the proposed development.

(C) The concept plan shall be incorporated as a component to the MU-2 district zoning regulations and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

(3) Open storage. Open storage is limited to a maximum of 5% of the total lot area, shall not be located in front of or on top of the building, shall not be located facing any

street, and must be screened in accordance with the provisions of applicable Town ordinances. Storage must not be visible from any public street or adjacent property.

(4) Temporary facilities. There shall be no permanent use of temporary facilities or buildings.

(5) Other regulations. Refer to development standards and use regulations.”

## **SECTION 7** **SAVINGS**

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 regulations governing and regulating the zoning of land 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 courts.

## **SECTION 8** **SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

## **SECTION 9** **PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. 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 district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

## **SECTION 10** **PUBLICATION**

The Town Secretary of the Town of Hickory Creek is hereby directed to publish the Caption, Penalty, and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

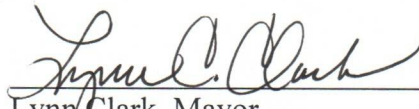
**SECTION 11**  
**ENGROSSMENT AND ENROLLMENT**

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

**SECTION 12**  
**EFFECTIVE DATE**

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

**PASSED AND APPROVED** by the Town Council of the Town of Hickory Creek, Texas, this 26<sup>th</sup> day of February, 2019.

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

ATTEST:

  
\_\_\_\_\_  
Kristi K. Rogers, Town Secretary  
Town of Hickory Creek, Texas



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lance Vanzant, Town Attorney  
Town of Hickory Creek, Texas