

**ORDINANCE NO. 2024-03**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF HUDSON OAKS, BY AMENDING THE LAND USE DEFINITIONS AND PERMITTED LAND USE TABLE REGARDING DAY-CARE CENTER, CHILD, DAY-CARE CENTER, ADULT, AND SCHOOL, NURSERY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hudson Oaks, Texas is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City of Hudson Oaks, Texas, previously adopted its comprehensive zoning ordinance, as codified as Exhibit A to Chapter 14 of the Hudson Oaks Code of Ordinances; and

**WHEREAS**, the City Council deems it necessary to amend the land use definitions in Section 48.2 and the land use table in Section 11.2 of the zoning ordinance regarding day-care centers and nursery schools/preschools as described herein; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission of the City on the 9<sup>th</sup> day of January, 2024, and a public hearing was held by the City Council on the 25<sup>th</sup> day of January, 2024, with respect to the proposed changes in the zoning regulations; and

**WHEREAS**, all requirements of law for publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUDSON OAKS, TEXAS.**

**SECTION 1.**

That Exhibit A to Chapter 14 of the Code of Ordinances, the comprehensive zoning ordinance of the City of Hudson Oaks, Texas, Section 48.2 "Land Use Definitions and Explanations" is hereby amended to delete the existing definition for "School, Nursery", and to add the following definition for "Preschool" to read as follows:

*"Preschool. An establishment providing for the care, supervision, and protection of children between the ages of 3 and 5."*

**SECTION 2.**

That Exhibit A to Chapter 14 of the Code of Ordinances, the comprehensive zoning ordinance of the City of Hudson Oaks, Texas, Section 11.2 "Land Use Table", "Education Uses", be and is hereby amended to delete the existing classification for "Nursery School", and to add the following classification for "Preschool", to read as follows:

Residential						Land Use Designation	Nonresidential				Special Conditions
SF-2A	SF-1AP	SF-32	SF-15	MF	MH		RC	GC	LI	I	
						<del>Nursery School</del>	S	P	P	P	a,g
						Preschool	S	S	S	S	a,g, j

**SECTION 3.**

That Exhibit A to Chapter 14 of the Code of Ordinances, the comprehensive zoning ordinance of the City of Hudson Oaks, Texas, Section 11.2 "Land Use Table", "Retail and Service Uses", be and is hereby amended to amend the existing classifications for "Day-Care Center, Adult" and "Day-Care Center, Child" to read as follows:

RETAIL AND SERVICE USES											
						Day-Care Center, Adult	S	S	S	P	b, g
						Day-Care Center, Child	S	S	S	S	b, g, j

**SECTION 4.**

This ordinance shall be cumulative of all provisions of the zoning ordinance and of the Code of Ordinances of the City of Hudson Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 5.**

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6.**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 7.**

All rights and remedies of the City of Hudson Oaks are expressly saved as to any and all violations of the provisions of the zoning ordinance of the City of Hudson Oaks, Texas, as amended, or any other ordinances relating to day-care centers and nursery schools/preschools which have accrued 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.**

The city secretary of the City of Hudson Oaks is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.


**SECTION 9.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED ON THIS 25<sup>TH</sup> DAY OF JANUARY, 2024.**

  
\_\_\_\_\_  
Tom Fitzpatrick, Mayor

Attest:

  
\_\_\_\_\_  
Shelley Scazzero  
City Secretary



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