



TOWN OF NORTHLAKE, TEXAS  
OFFICIAL ORDINANCE

ORDINANCE NO. 22-\_\_\_

**AN ORDINANCE AMENDING SECTION 1.01.004, “DEFINITIONS AND RULES OF CONSTRUCTION,” OF ARTICLE 1.01, “CODE OF ORDINANCES,” OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS, BY ADDING A DEFINITION OF “TOWN MANAGER;” AMENDING THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF NORTHLAKE, TEXAS TO REPLACE REFERENCES OF TOWN ADMINISTRATOR WITH TOWN MANAGER; AMENDING SECTION 3.4, “BOARD OF ADJUSTMENT,” OF ARTICLE 3, “BOARDS AND COMMISSIONS,” OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE THAT BOARD MEMBERS SHALL HAVE TWO YEAR TERMS AND TO CLARIFY NOTICE REQUIREMENTS FOR BOARD OF ADJUSTMENT HEARINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Northlake, Texas is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, the Town previously adopted the Town’s Unified Development Code (“UDC”) on January 24, 2013; and

**WHEREAS**, the UDC provides for text amendments in certain situations; and

**WHEREAS**, the Town updated the UDC in 2021 to comply with provisions passed in the Town’s newly adopted Charter; and

**WHEREAS**, after further review, the Town finds it necessary to further amend the UDC to comply with the Charter;

**WHEREAS**, the Town Planning and Zoning Commission held a public hearing on January 17, 2023 and the Town Council held a public hearing on January 26, 2023 after proper notification with respect to the adoption of the proposed UDC text amendments herein in accordance with the UDC and the Texas Local Government Code; and

**WHEREAS**, the Town Council has determined that the amendment as outlined herein is in the best interest of the health, safety, and general welfare of the citizens of the Town of Northlake and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS THAT:**

**SECTION 1.** The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**SECTION 2.** Section 1.01.004, “Definitions and rules of construction,” of Article 1.01, “Code of Ordinances,” of the Code of Ordinances, Town of Northlake, Texas, shall be amended by adding a definition of “Town Manager” and amending the definition of “Town administrator, town manager, town secretary, chief of police, or other town officers,” to read as follows:

**“§ 1.01.004 Definitions and rules of construction.**

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Town Manager. The term “town administrator” or “town manager” shall be construed to mean the Town Manager of the Town of Northlake, Texas.

Town Secretary, chief of police, or other town officers. The term “town secretary,” “chief of police,” or other town officer or department shall be construed to mean the town secretary, chief of police, or such other municipal officer or department, respectively, of the Town of Northlake, Texas.

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**SECTION 3.** Section 1.8, “Minimum Requirements,” in Article 1 “General Provisions;” Section 2.1, “Official Zoning Map,” in Article 2, “Official Maps;” Sections 3.1, “General Provisions,” and Section 3.5, “Administrative Authority,” in Article 3, “Boards and Commissions;” Section 4.2 “Initiation of Application,” Section 4.3, “Notice Requirements,” Section 4.5, “Post-Decision Procedures,” Section 4.6, “Comprehensive Plan Amendment,” Section 4.7, “Unified Development Code Text Amendment,” Section 4.11, “Appeals,” Section 4.12, “Public Infrastructure Improvement Construction Plans and Community Facilities Agreements,” and Section 4.13, “Building Permits,” in Article 4, “Procedures and Applications;” Section 5.4, “Zoning Change/Zoning Map Amendment,” Section 5.10, “Planned Development,” and Section 5.12, “Temporary Use Permit (TUP),” in Article 5, “Zoning Districts;” Section 6.1, “Manufactured Home Subdivisions,” and Section 6.2, “Manufactured Home Parks,” in Article 6, “Manufactured Homes;” Section 7.7, “Reconstruction or Repair of Nonconforming Structure,” in Article 7, “Nonconforming Lots, Use and Structures;” Section 8.1, “Secured (Gated) Communities,” Section 8.2, “Accessory Uses and Structures,” and Section 8.5, “Outdoor Lighting Regulations,” in Article 8, “Special Uses and General Regulations;” Section 9.10, “Landscaping and Tree Protection,” and Section 9.11, “Screening and Fencing,” in Article 9, “Design Standards;” Section 10.2, “General Provisions,” and Section 10.4, “Schedule of Off-Street Parking Requirements,” in Article 10, “Parking and Loading Standards;” Section 11.10, “Sign Specifications, Design and Other Requirements,” and Section 11.18, “Definitions and Requirements,” in Article 11, “Signs;” Section 12.4, “Approval Procedure,” Section 12.9, “Preliminary Plat Preparation and Approval,” Section 12.10, “Final Plat Preparation and Approval,” Section 12.11, “Replat Preparation and Approval,” Section 12.14, “Minor Plat Process,” and Section 12.15, “Site Plan Process,” in Article 12, “Subdivisions;” Section 13.9, “Road Repair Agreement,” Section 13.14, “Review of Applications for Oil and Gas Well Permit,” Section 13.18, “Periodic Reports,” Section 13.19, “Amended Oil and Gas Well Permits,” and Section 13.29, “Remedies of the Town,” in Article 13, “Oil and Gas Well Drilling Regulations;” and Section 14.1, “Definitions,” in Article 14, “Definitions,” are hereby amended by replacing all references to “Town Administrator” with “Town Manager.”

**SECTION 4.** Section 3.4, “Board of Adjustment,” in Article 3, “Boards and Commissions,” of the Unified Development Code of the Town Northlake is hereby amended by amending Subsections 3.4.A. and 3.4.D. to read as follows:

**“§ 3.4. Board of Adjustment**

A. Creation and Organization

There is hereby created a board known as the board of adjustment, which shall be organized as follows:

1. The board of adjustment shall consist of five regular members appointed by a majority vote of the Town Council.
2. Members shall be designated as places one through five.
3. Each member of the board shall be a resident citizen and qualified voter of the Town, at the time of appointment. A member who ceases to reside in the Town during their term of office shall immediately forfeit their office.
4. The term of office for members of the board shall be for two years. Members may be removed for cause before their terms of office expire.
  - a. Cause for removal may include any of the following:
    - i. Refusal or failure to attend board meetings;
    - ii. Violation of state law involving conflicts of interest;
    - iii. Violation of the Town's code of ethics;
    - iv. Incompetency; or
    - v. Any other cause that impedes the ability of the member to perform their duties.
5. Members of the board shall serve without compensation.

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D. Appeals to the BOA

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5. Notice of Hearing. Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations shall be sent to all owners of property, or to the person rendering the same for Town taxes, affected by such application, located within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice shall be served by using the last known address as listed on the town tax roll and depositing the notice, postage prepaid, in the United States mail. Notice of hearings shall also be provided by means of a general notice by posting a list of items on the agenda to be heard by the BOA at a public place in Town Hall at least seventy-two (72) hours before the hearing on said items.

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**SECTION 5.** Any person violating any provision of this ordinance shall be fined for each and every day during which any violation of any provision of this ordinance is committed, continued, or permitted in the maximum amount allowed by law as provided in Section 1.01.009 of the Town Code.

**SECTION 6.** With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this

Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

**SECTION 7.** It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraph section 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 or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 8.** All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, 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 the Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 9.** The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

**SECTION 10.** This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED on this the 26th day of January, 2023**

Town of Northlake, Texas

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David Rettig, Mayor

ATTEST:

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Zolaina Parker, Town Secretary