



**NORTHLAKE BOARD OF ADJUSTMENT  
REGULAR MEETING AGENDA  
FEBRUARY 3, 2026, AT 5:30 PM  
TOWN HALL - COUNCIL CHAMBER ROOM  
1500 COMMONS CIRCLE, SUITE 300, NORTHLAKE, TEXAS 76226**

**1. CALL TO ORDER**

**2. ANNOUNCEMENTS AND PRESENTATIONS**

- A. Briefing - Board of Adjustment (BOA) to act as Building and Standards Commission

**3. PUBLIC INPUT**

This item is available for citizens to address the Board of Adjustment on any issues that are not the subject of a public hearing. The presiding officer may ask the citizen to hold his or her comment on an agenda item until that agenda item is reached. By law, no deliberation or action may be taken on the topic if the topic is not posted on the agenda. The presiding officer reserves the right to impose a time limit on this portion of the agenda.

**4. ACTION ITEMS**

- A. Consider approval of meeting minutes for December 2, 2025
- B. Consider ratification of an agreement between the Town of Northlake, Texas, the Northlake Board of Adjustment, and Media Choice, LLC ("Media Choice"), regarding Case # 25-VBOA00005

**5. EXECUTIVE SESSION**

The Board Members will convene in an Executive Session, pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

**B. Section 551.071 - Consultation with Attorney**

The Town Council may convene in an executive session to consult with its attorney to seek advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:

- i. Media Choice, LLC Agreement regarding Case # 25-VBOA00005.

6. **ADJOURN**

**CERTIFICATION**

I, Zolaina R. Parker, Town Secretary for the Town of Northlake, Texas, hereby certify that the above agenda was posted on the official bulletin board located at Town Hall, 1500 Commons Circle, Suite 300, Northlake, Texas 76226, on January 28, 2026, by 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



*Zolaina R. Parker*  
Zolaina R. Parker, Town Secretary

NOTICE: THE TOWN OF NORTHLAKE'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT(ADA). THE TOWN WILL PROVIDE ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE TOWN SECRETARY'S OFFICE AT 940-242-5702 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD), BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATIONS CAN BE ARRANGED.

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**NORTHLAKE BOARD OF ADJUSTMENT  
BOARD OF DIRECTORS COMMUNICATION**



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**DATE:** February 3, 2026  
**REF. DOC.:** Texas Local Gov't Code Chapter 54 and Chapter 214; Article 4.04 of Code of Ordinances; Unified Development Code (UDC)  
**SUBJECT:** Briefing - Board of Adjustment (BOA) to act as Building and Standards Commission  
**GOALS/  
OBJECTIVES:** Protect the Public; 1.4 - Ensure safe community standards and processes

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**BACKGROUND INFORMATION:**

- October 7, 2025 BOA Meeting:
  - Briefing on proposed ordinance to create Building and Standards Commission and designate BOA to serve in role
  - Ordinance proposed to revise existing Dangerous Buildings regulations in Article 4.04 of Code of Ordinances to include:
    - Updates necessary to follow State statutes
    - Enhancements to due process
    - Corrections of typographical errors
    - Creation of Building and Standards Commission
      - Related amendment of Section 3.4 of the Unified Development Code (UDC)
      - Designates Board of Adjustment (BOA) to serve as Building and Standards Commission
- October 21st Planning & Zoning Commission Meeting:
  - Considered UDC amendment to allow BOA to act as Building and Standards Commission
  - Held public hearing with no speakers for or against
  - Recommended approval of UDC amendment unanimously
- November 13th Town Council Meeting:
  - Public hearing held with two speakers opposed
  - Item tabled to better evaluate changes which revised existing regulations
    - Exhibit 1 - Mark-up shows limited changes from existing code
- December 11, 2025 Town Council Meeting:
  - Ordinance approved with amendment to add 30-day notice provision and Fire Marshal/inspector role update
  - See Exhibit 2 for copy of Ordinance as approved
- Concerns about Ordinance mentioned during approval process:
  - Potential abuse or misuse of ordinance
  - Removal of agricultural structures

**BOARD DIRECTION:**

Provide feedback as BOA deems necessary

§ 4.04.001: ~~Purpose, scope, and seope~~ creation of commission.

- (a) Purpose. It is the purpose of this article to provide a just, equitable, and practical method, to be cumulative with and in addition to any other remedy ~~provided by the building code or otherwise~~ available at law, ~~whereby buildings, as defined herein, which from any cause to compel substandard and dangerous buildings and other structures, and violations of health and safety ordinances that~~ endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, ~~may be required~~ to be repaired, vacated, demolished, removed ~~or~~, secured, or otherwise abated.
- (b) Scope. The provisions of this article shall apply to all buildings ~~which are hereinafter defined as dangerous or substandard buildings and other structures,~~ whether now in existence or whether they may hereafter become dangerous ~~or substandard.~~
- (c) Creation. There is hereby created a Building and Standards Commission (the “Commission”) in accordance with the provisions of Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended. The Commission is hereby created to fully implement and accomplish the purposes of Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended, and perform the functions established by this article. The Board of Adjustment shall act as the Building and Standards Commission for the Town.

§ 4.04.002: **Definitions.**

Commission. The Building and Standards Commission as created and designated by the town council to hold administrative hearings and to hear and determine cases concerning alleged violations and the enforcement of the town’s minimum building standards, and to address violations of health and safety ordinances, including, but not limited to, dangerous and substandard buildings and other structures within the Town.

Building. Any building, fence, awning, canopy, sign, shed, garage, house, tent, or other structure whatsoever, whether or not intended or designed for human dwelling or occupancy, and the enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

Building code. The International Building Code, promulgated by the International Conference of Building Officials, ~~as adopted by or the town.~~ International Code Council, as adopted and amended by the town.

Fire code. The International Fire Code, promulgated by the International Fire Code Institute or International Code Council, as adopted and amended by the town.

§ 4.04.003- **Enforcement.**

(a) Generally.

(1) Authority of building official. The building official, or the building official's designee, is authorized to enforce the provisions of this article. The building official shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the ~~application~~applications of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this article.

(2) Inspections. The building official ~~and the fire marshal,~~ or their ~~designees~~designee are each authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.

(3) Right of entry. When it is necessary to make an inspection to enforce the provisions of this article, or when the building official, ~~or his~~the building official's designee, has a reasonable cause to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this article, or other ordinance adopted by the Town, which makes the building or premises unsafe, dangerous, or hazardous, the building official or ~~his~~their designee may enter the building or premises at reasonable times to inspect or perform the duties imposed by this article; provided that, if such building or premises be occupied, credentials be presented to the occupant and entry requested. If such building or premises ~~be~~is unoccupied, the building official or ~~his~~their designee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. The building official or their designee is designated as the person who may be issued a search warrant pursuant to Vernon's Ann. C.C.P. art. 18.05, upon presentation of evidence to a magistrate of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises sought to be inspected. Upon searching the premises, a copy of the warrant shall be presented to the owner if present or if not present, to any person present who is in possession of the property.

(b) Declaration of nuisance; abatement required. All buildings or portions thereof which are determined after inspection by the building official to be dangerous or substandard, as defined by this article, are declared to be public nuisances and shall be abated by repair, vacation, demolition, removal, or securing in accordance with the procedures specified in this article.

(c) Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, or use, occupy or maintain any building or cause or permit the same to be done in violation of this article.

- (d) Inspection authorized. All buildings within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official.

§ 4.04.004. **Conditions constituting substandard building.**

For the purposes of this article, any building, regardless of the date of ~~its~~ construction, which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building:

- (1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
- (2) Any building that, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- (3) Any building that is boarded up, fenced, or otherwise secured in any manner if:
  - (A) The building constitutes a danger to the public even though secured from entry; or
  - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) of this section;
- (4) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (5) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide a safe and adequate means of exit in case of fire or panic;
- (6) Whenever the stress in any materials or members or portions thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location;
- (7) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;

- (8) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (9) Whenever any portion of any building, or any member, appurtenance, or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such buildings;
- (10) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction;
- (11) Whenever the building, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse;
- (12) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (13) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (14) Whenever the building, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty (50%) or more percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;
- (15) Whenever the building has been so damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated, as to become (i) an attractive nuisance to children; or (ii) a harbor for vagrants, criminals, or immoral persons;
- (16) Whenever any building has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building regulations of this jurisdiction, as specified in the building code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings;
- (17) Whenever any building, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than

fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%); of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location;

- (18)** Whenever a building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease for reasons including, but not limited to, the following:
- (A)** Lack of or improper water closet, lavatory, bathtub, or shower in a dwelling unit or lodging house;
  - (B)** Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
  - (C)** Lack of or improper kitchen sink in a dwelling unit;
  - (D)** Lack of hot and cold running water to plumbing fixtures in a hotel;
  - (E)** Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house;
  - (F)** Lack of adequate heating facilities;
  - (G)** Lack of, or improper operation of, required ventilating equipment;
  - (H)** Lack of minimum amounts of natural light and ventilation required by this code;
  - (I)** Room and space dimensions less than required by this code or the building code;
  - (J)** Lack of required electrical lighting;
  - (K)** Dampness of habitable rooms;
  - (L)** Infestation of insects, vermin, or rodents;
  - (M)** General dilapidation or improper maintenance;
  - (N)** Lack of connection to required sewage disposal system;
  - (O)** Lack of adequate garbage and rubbish storage and removal facilities;

(P) Partial destruction or damage by fire unrepaired for more than ninety (90) days.

- (19) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the building official, or the building official's designee, or the fire marshal to be a fire hazard;
- (20) Whenever any building is in such a condition as to make a public nuisance ~~known to the common law or in equity jurisprudence;~~as defined by ordinance;
- (21) Whenever any portion of a building remains on a site after the demolition or destruction of the building;
- (22) Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;
- (23) Whenever any premises contains the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises;
- (24) Whenever any building or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies; and
- ~~(23)~~(25) Any building constructed and still existing in violation of any provision of the building code ~~or~~, fire code, electrical code, plumbing code, mechanical code, or any other code of the town to the extent that the life, health, or safety of the public or any occupant is endangered.

**§ 4.04.005- Determination and action by building official.**

When the building official, or the building official's designee, has inspected ~~or caused to be~~ any building and has found and determined that the building is substandard, the building official may take any or all of the following actions, as ~~they~~ ~~he~~ ~~or~~ ~~she~~ deems appropriate:

- (1) Issue notice to the record owner that the building is substandard or dangerous and must be repaired or demolished. The notice shall contain:
  - (A) The street address and description (legal or other) sufficient for identification of the premises upon which the building is located;

- (B) A statement that the building official has found the building to be substandard or in violation of town ordinances with a brief and concise description of the conditions found to render the building dangerous;
- (C) A statement of the action required to be taken as determined by the building official;
- (D) A requirement that the owner or person in charge of the building or premises secure required permits and commence the required action within fifteen (15) days from the date of such notice and that all work be completed within such time as the building official shall determine is reasonable;
- (E) If the building official has determined that the building or structure must be vacated, the notice shall contain a requirement that the building be vacated within such time from the date of the notice as determined by them to be reasonable;
- (F) A statement advising that if any required repair or demolition work is not commenced within the time specified, the building official will, without further notice, order the building vacated and posted to prevent further occupancy until the work is completed; and
- (G) A statement advising that if any required repair or demolition work is not commenced or completed within the time specified, proceedings will be commenced to have the building repaired, removed, or demolished and the cost of such assessed as a charge against the land;
- (H) Service of notice shall be made upon all persons entitled there to either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last tax roll of the town, or as known to the building official. If no address of any such person appears or is known to the building official, then a copy of the notice and order shall be published twice within ten (10) consecutive days in a newspaper of general circulation in the town. Failure to receive such notice or order shall not affect the validity of any proceedings taken under this article. Service by certified mail in the manner provided in this section shall be deemed effective on the date of mailing. Service by publication shall be deemed effective on the date of the second publication.

- (2) Issue citation(s) for violation(s) of this article;
- (3) Secure the building if permitted by section 4.04.012(a) under this article; or
- (4) Recommend to the boardCommission that abatement proceedings be commenced pursuant to section 4.04.006.

§ 4.04.006: **Public hearing.**

- (a) Commencement of proceedings. When the building official has found and determined that a building is a substandard building, the building official shall commence proceedings to cause the repair, vacation, relocation of occupants, removal, demolition, or securing of the building.
- (b) Public hearing to be held. Except when the ~~town council~~ building official finds that a building is likely to immediately endanger persons or property, a public hearing before the ~~board~~ Commission shall be held to determine whether a building complies with the minimum building standards set out in section 4.04.004 of the town. If the ~~town council~~ building official determines that the building constitutes an immediate danger, the procedures set forth in section 4.04.012010 shall be followed.
- (c) Notice requirements. Not less than ten (10) days prior to the date on which the hearing is set, the building official shall issue a notice of the public hearing directed to the record owner of the building, and to all mortgagees and lienholders. The town shall use best efforts to determine the identity and address of any owner, lienholder or mortgagee of the building through the records of the county clerk ~~in the county in which the building is located~~ and through any other source available to the town. A copy of the notice shall be posted on the front door of each building situated on the affected property or as close to the front door as practicable. The notice shall contain:
- (1) The name and address of the record owner;
  - (2) The street address or legal description sufficient for identification of the premises upon which the building is located;
  - (3) A statement that the building official has found the building to be substandard or dangerous, with a brief and concise description of the conditions found to render the building dangerous or substandard under the provisions of section 4.04.004; this article;
  - (4) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article, and the time it will take to reasonably perform the work;
  - (5) Notice of the time and place of the public hearing; and
  - (6) A statement that, if the building is found to be in violation of this article, the board Commission may order that the building be vacated, secured, repaired, removed, or demolished within a reasonable time.
- (d) Additional notice. Prior to the public hearing, the town mayshall file a copy of the notice mailed pursuant to subsection (c) of this section in the official public records of real

property in ~~the county in which the property is located. If such notice is not filed of record, each identified mortgagee and lienholder must be notified of any abatement order issued by the board at the public hearing, prior to any remedial action by the town.~~ Denton County.

- (e) Burden of proof. At the public hearing, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article, and the time it will take to reasonably perform the work.
- (f) Conduct of hearing. At the public hearing, the owner of the building, and all other interested persons, may make their appearance and be heard. Any evidence may be received and considered by the board Commission. The chairman of the board Commission or, in ~~his~~ their absence, any officer designated by rules adopted by the board Commission to preside at meetings, shall preside and shall determine all questions of order. The hearing may be adjourned from day to day or continued upon a majority vote of the board Commission.

§ 4.04.007: **Issuance of order.**

(a) Findings of ~~board~~ the Commission.

(1) If the board Commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of the minimum building standards set out in section 4.04.004, of the ~~board~~ town, the Commission may order ~~that~~ the building be repaired, vacated, removed or demolished, secured, or the occupants relocated by the owner, mortgagee, or lienholder within a reasonable time as provided herein.

~~(b) Time allowed to complete work.~~

~~(1) The order must require the owner, lienholder or mortgagee of the building to within thirty (30) days:~~

~~(A) Secure the building from unauthorized entry; and/or~~

~~(B) Repair, remove or demolish the building unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.~~

~~(2) If the board allows the owner, lienholder or mortgagee more than thirty (30) days to repair, remove or demolish the building, the board shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the board.~~

~~(3) The board may not allow the owner, lienholder or mortgagee more than ninety (90) days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder or mortgagee:~~

~~(A) Submits a detailed plan and time schedule for the work at the hearing; and~~

- ~~(B) — Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.~~
- ~~(4) — If the board allows the owner, lienholder or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove or demolish the building, the board shall require the owner, lienholder or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder or mortgagee appear before the board or the building official to demonstrate compliance with the time schedules.~~

(2) Commission may also assess civil penalties against a property owner that may be recovered by the town as authorized by Texas Local Gov't Code Chapter 54, Subchapter C, and Texas Local Gov't Code Chapter 214, Subchapter A, as amended. In assessing a civil penalty, the Commission shall consider the severity of violations present, the history of compliance of the property or the owner, and the efforts taken, if any, to correct the violations.

(3) If the Commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of the minimum building standards of the town, and that such conditions cannot reasonably be remedied by repair, or that neither the owner, lienholder, nor the mortgagee are financially able or willing to conduct or cause such repairs to be made within a reasonable time, the Commission shall identify the specific violations found to exist, and order the owner, mortgagee, or lienholder remove or demolish the building, and, if necessary to the public safety, vacate and secure the building and/or relocate the occupants, within such reasonable times as determined by the Commission to be appropriate, as provided herein, or order such other relief as permitted by this article and state law.

(b)(e) Contents of the order. The order of the ~~board~~Commission must contain at a minimum:

- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) A description of the violation of minimum standards present in the building;
- (3) A description of the ordered actions, including a statement that the owner may repair, if feasible, or demolish or remove at ~~his~~their option;
- (4) A statement that the town will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed and charge the cost to the property; and
- (5) If the ~~board~~Commission has determined that the building will endanger persons or property, or if the building is a dwelling with ten (10) or fewer dwelling units, a

statement that the town may repair the building and charge the costs to the property if the ordered action is not taken within the time allowed.

§ 4.04.008- **Notice of order.**

- (a) Mailing. After the public hearing, the building official shall promptly mail, by certified mail, return receipt requested, a copy of the order to the record owner of the building, and each identified lienholder and mortgagee of the building.
- (b) Filing with town secretary. Within ten (10) days after the date that the order is issued by the ~~board~~Commission, the building official shall file a copy of the order in the office of the town secretary.
- (c) Publication. Within ten (10) days after the date the order is issued by the ~~board~~Commission, the building official shall publish in a newspaper of general circulation within the town a notice containing:
  - (1) The street address or legal description of the property;
  - (2) The date the hearing was held;
  - (3) A brief statement indicating the results of the order; and
  - (4) Instructions stating where a complete copy of the order may be obtained

§ 4.04.009- **Enforcement of order.**

(a) Abatement by town authorized. If the building is not vacated, secured, repaired, removed, or demolished within the time specified by the order, the town may vacate, secure, repair, remove, or demolish the building or relocate the occupants at its own expense; ~~provided, however:~~ The building official or designee is the person who may be issued a seizure warrant for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises, upon presentation of evidence to a magistrate of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises and that the owner of said premises has failed to comply with the Commission's order.

- ~~(1) — The town may not act to remove or demolish a building until after the board has found:
  - ~~(A) — That such defects or conditions exist to the extent that the life, health, property or safety of the public or the occupants of the building are endangered; and~~
  - ~~(B) — The building is infeasible of repair; or~~
  - ~~(C) — There is no reasonable probability that the building will be repaired within a reasonable period of time if additional time is given.~~~~

~~(2) The town may only repair a building as provided herein to the extent necessary to correct the conditions which render the building dangerous, and may not act to repair a building unless:~~

~~(A) The board has made a determination that the building is likely to endanger person or property; and~~

~~(B) The building is a residential dwelling with ten (10) or fewer dwelling units.~~

- (b) Posting of notice to vacate building. If the order requires vacation or if compliance is not had with the order within the time specified therein, the building official is authorized to require that the building be vacated. Notice to vacate shall be mailed by certified mail, return receipt requested, to the occupant of the building and it shall be posted at or upon each entrance to the building and shall be in substantially the following form:

SUBSTANDARD BUILDING  
DO NOT ENTER  
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

\_\_\_\_\_  
Building Official  
Town of Northlake

- (c) Remedial action by the town. Any repair or demolition work, ~~or securing of the building,~~ shall be accomplished and the costs thereof paid and recovered ~~in the manner hereinafter provided. Any surplus realized from the sale of such building, or from the demolition thereof, over and above the cost of demolition and cleaning of the lot, shall be paid over to the person or persons lawfully entitled thereto. If the town incurs expenses under this section, the town may assess the expenses, together with ten percent (10%) interest in such amount from the date on which the work was performed, and upon doing so, the town shall have a lien against the property on which the building was located. The lien shall be extinguished if the property owner, lienholder, mortgagee, or other person having an interest in the legal title to the property reimburses the town for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk. The notice must contain the name and address of the owner, a legal description of the real property on which the building was located, the amount of expenses incurred by the town, and the balance due. The lien shall be privileged and subordinate only to tax liens and existing special assessment liens and shall be paramount to all other liens. The town may repair the building at its own expense and assess the expense on the land on which the building stands or is attached to only to the extent necessary to bring the building into compliance with minimum standards.~~

- (d) Failure to obey order. Any person to whom an order ~~pursuant to section 4.04.008 is is~~ directed who fails, neglects, or refuses to comply with such order shall be guilty of a misdemeanor and may be prosecuted in municipal court in addition to any other remedies available to the town ~~provided herein.~~

~~(e) Interference prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the town or with any person who owns or holds any estate or interest in the building which has been ordered repaired, vacated, demolished, removed or secured under the provisions of this article, or with any person to whom such building has been lawfully sold pursuant to the provisions of this article, whenever such officer, employee, contractor or authorized representative of the town, person having an interest or estate in such building, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing, removing or securing any such building pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.~~

(ef) Permits required. Any work of closure, repair, ~~removal~~ or demolition by the property owner or any lienholder or mortgagee or their agents must be performed pursuant to a valid unexpired permits~~permit~~ issued by the town. All permits issued pursuant to an order of the ~~board~~Commission shall expire upon expiration of the time for compliance set forth in the order.

(f) Final decision. If no appeals are taken from the decision of the Commission within the time period required by Texas Local Gov't Code Ch. 54 or Ch. 214, as applicable, the decision of the Commission is final and binding.

~~§ 4.04.010. Performance of work by town.~~

~~(a) Procedure. When any work of repair, removal, demolition or securing is to be performed by the town pursuant to the provisions of any order of the town council or the board, the work may be accomplished by town personnel or by private contract as may be deemed necessary. Rubble and debris shall be removed from any premises and the lot cleaned if removal or demolition is ordered. The building or building materials may be sold if removal or demolition is ordered, and the proceeds shall be used to offset other costs of the work.~~

~~(b) Assessment of costs. The cost of such work shall be paid from town funds and shall constitute a special assessment and a lien against such property to secure payment thereof, together with ten percent (10%) interest on such amount from the date on which the work is performed.~~

~~(c) Repair to minimum standards only. The town may repair the building at its own expense and assess the expense on the land on which the building stands or is attached to only to the extent necessary to bring the building into compliance with minimum standards.~~

~~§ 4.04.011. Recovery of town's costs.~~

~~(a) Filing of itemized account and notice of lien with town secretary. The building official shall keep an itemized account of the expenses incurred by the town in the securing, repair, removal or demolition of any building pursuant to this article. Upon completion of the work, the building official shall prepare and file with the town secretary a sworn account and notice of lien containing the following information:~~

~~(1) The name and address of the owner if that information can be determined with a reasonable effort;~~

- (2) ~~A legal description of the real property on which the building is or was located;~~
  - (3) ~~The type of work performed; and~~
  - (4) ~~The amount of expenses incurred by the town in performing the work and the balance due.~~
  - (b) ~~Filing of notice of lien and order of abatement in county deed records.~~ The town secretary shall file the notice of lien along with a copy of the order of abatement issued by the board in the deed records of the county in which the premises are located.
  - (c) ~~Personal obligation of property owner.~~ The expenses incurred by the town as set forth in the sworn account of the building official shall be a personal obligation of the property owner in addition to a priority lien upon the property. The town attorney may bring an action in any court of proper jurisdiction against the owner of property to recover the costs incurred by the town.
  - (d) ~~Lien shall be valid and privileged.~~ Upon filing of the notice of lien in the deed records of the county, the lien shall be valid against the property so assessed. The lien shall be privileged and subordinate only to tax liens and existing special assessment liens, and shall be paramount to all other liens. The lien shall continue until the assessment and all interest due and payable thereon has been paid.  
~~Denial of utility service, building permits and certificate of occupancy.~~ No utility service, building permit or certificate of occupancy shall be allowed on any such property until the assessment is paid and such lien is released by the town.
  - (e) ~~Release of lien.~~ After the expenses incurred by the town, as set forth in the sworn account of the building official, have been fully paid with interest of ten percent (10%) per annum from the date the work was performed, the building official shall execute a release of lien, which shall be filed in the deed records of the county.
- (1999 Code, sec. 3.711)

~~§ 4.04.012.~~ **§ 4.04.010 Additional authority to secure unoccupied buildings; buildings constituting immediate danger.**

- (a) **Securing of unoccupied substandard building.** Notwithstanding any other provisions of this article, the town may secure a building if the building official determines:
  - (1) That the building violates the minimum building standards set forth in section 4.04.004; of the town and constitutes a public nuisance, or that the condition of the building presents an immediate danger or threat to the health, safety, or welfare of the occupants, if any, or to the general public; or
  - (2) That the building is unoccupied or is occupied only by persons who do not have the right of possession to the building.
- (b) **Building creating immediate danger.** Notwithstanding any other provisions of this article, if the ~~town council~~Commission or the Town Council finds that a building is likely to immediately endanger persons or property the ~~town council~~Commission or Town Council may:

- (1) Order the owner of the building, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the dangerous part of the structure, within a specified time; or
  - (2) Repair, remove, or demolish the structure, or the dangerous part of the structure, at the expense of the ~~municipality~~town, on behalf of the owner of the structure or the owner of the property on which the structure is located, and assess the repair, removal, or demolition expenses on the property on which the structure was located.
- (c) Service of notice. Before the eleventh (11<sup>th</sup>) day after the date the building is secured ~~pursuant to subsection (a) of this section,~~ or action is ordered, ~~pursuant to subsection (b)(1) of this section,~~ or the building is repaired, removed, or demolished ~~pursuant to subsection (b)(2) of this section,~~ the building official shall give notice to the owner by:
- (1) Personally serving the owner with written notice; or
  - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or
  - (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in the county in which the building is located, if personal service cannot be obtained and the owner's post office address is unknown; or
  - (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown; and
  - (5) In addition to the above, depositing notice in the United States mail to all lien holders and mortgagees who can be determined from a reasonable search of instruments on file in the office of the county clerk.
- (d) Contents of notice. The notice must contain:
- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
  - (2) A description of the violation of the minimum building standards present in the building;
  - (3) A statement that the town will secure or has secured, as the case may be, the building, or that the town has taken or will take the action ordered ~~pursuant to subsection (b) of this section;~~ and
  - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the town's securing, removing, demolishing, or repairing of the building.

- (e) Hearing. The ~~town council~~Commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the town's securing, repairing, removing, or demolishing of the building, if, within thirty (30) days after the date the town has taken action ~~pursuant to subsection (a) or (b) of this section,~~ the owner files with the town a written request for the hearing. The hearing shall be conducted within twenty (20) days after the date the request is filed.
- (f) Recovery of town's costs. If the town incurs expenses under this section, such expenses incurred shall be a personal obligation ~~of~~to the property owner in addition to a priority lien upon the property, ~~and costs shall be recovered as provided by section 4.04.010.~~
- ~~(g) Compliance with order. It shall be unlawful to fail to comply with an order issued pursuant to this article.~~
- (g) Authority to order immediate demolition. Notwithstanding all other provisions of this article, nothing herein shall be deemed a limitation on the duty of the town to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the protection of life, property, or general welfare of the people in the town.

§ 4.04.~~013-011~~ Civil penalty.

- (a) Authorized. In addition to any other enforcement authority provided for by law, the ~~board~~Commission may, by order, at an administrative hearing, assess a civil penalty against a property owner as provided for herein for failure to comply with an order issued by the ~~board pursuant to section 4.04.007.~~Commission.
- (b) Showing required. The civil penalty may be assessed if it is shown at the administrative hearing that:
  - (1) The property owner was notified of the contents of the order issued ~~pursuant to section 4.04.007;~~ and;
  - (2) The property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order.
- (c) Amount of penalty. The civil penalty may be assessed in an amount as provided for in the general penalty provision found in section 1.01.009 of this code for each violation, or in any amount as provided for in Texas Local Gov't Code Chapter 54, Subchapter C, and Texas Local Gov't Code Chapter 214, Subchapter A, as amended. ~~or, if the owner shows that the property is the owner's lawful homestead, in an amount as provided for in the general penalty provision found in section 1.01.009 of this code.~~
- (d) Notice of administrative hearing. ~~Not less than ten (10) days prior to the date on which the administrative hearing is set, the property owner shall be sent a notice of the hearing by~~

~~certified mail/return receipt requested. The notice shall contain: The notice of an administrative hearing under this section shall conform with the notice requirements under 4.04.006 of this article.~~

- ~~(1) A copy of the order issued by the board [pursuant] to section 4.04.007;~~
- ~~(2) A statement that the building official has determined that the property owner committed an act in violation of that order, or failed to take an action necessary for compliance with that order;~~
- ~~(3) A statement that at the administrative hearing the board may assess a civil penalty as provided for in the general penalty provision found in section 1.01.009 of this code for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount as provided for in the general penalty provision found in section 1.01.009 of this code; and~~
- ~~(4) Notice of the time and place of the hearing.~~

~~(e) Filing of copy of order with district clerk. After the civil penalty is assessed, the town secretary shall file with the district clerk of the county in which the property is located a certified copy of the order assessing the civil penalty stating the amount and duration of the penalty.~~

~~(ef) Enforcement. To enforce any civil penalty under this article, may be enforced by the town secretary shall file with the district clerk of the county a certified copy of the order of the Commission stating the amount and duration of the penalty. No other proof is required for a district court to enter in a suit brought by the town in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty. A civil penalty under this section is final and binding and constitutes prima facie evidence of the penalty in any suit.~~

~~(f) Remedies cumulative. The remedies authorized under this article are inclusive and not exclusive and shall in no way prevent the town from exercising any and all other remedies at law to which it may be entitled, including proceedings under the jurisdiction of the municipal court or injunctive or other civil relief as allowed by law.~~

~~§ 4.04.014 Authority to order immediate demolition.~~

~~Notwithstanding all other provisions of this article, nothing herein shall be deemed a limitation on the duty of the town to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the protection of life, property or general welfare of the people in the town.~~

§ 4.04.012. **Criminal penalty.**

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 article shall be fined as provided for in the general penalty provision found in section 1.01.009 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.



**TOWN OF NORTHLAKE, TEXAS**

**OFFICIAL ORDINANCE**

**ORDINANCE NO.** 25-1211A

**AN ORDINANCE AMENDING SUBSECTION C, “POWERS OF THE BOARD,” OF SECTION 3.4, “BOARD OF ADJUSTMENT,” OF CHAPTER 9A, “UNIFIED DEVELOPMENT CODE, AND ARTICLE 4.04, “DANGEROUS BUILDINGS,” OF CHAPTER 4, “BUILDING REGULATIONS,” OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS, BY CREATING A BUILDING AND STANDARDS COMMISSION AND AUTHORIZING THE BOARD OF ADJUSTMENT TO HEAR AND DETERMINE CASES CONCERNING VIOLATIONS OF HEALTH AND SAFETY ORDINANCES AND DANGEROUS AND SUBSTANDARD BUILDINGS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CH. 54 AND CH. 214; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Northlake, Texas, (the “Town”) 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 charter and the Unified Development Code (“UDC”), which established the Board of Adjustment; and

**WHEREAS**, pursuant to Texas Local Gov’t Code Ch. 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, the Town Council may adopt an ordinance authorizing a body of the Town to hold administrative hearings to address substandard buildings; and

**WHEREAS**, the Town Council desires to expand the Board of Adjustment’s powers by authorizing it to hold administrative hearings to adjudicate and address violations of health and safety ordinances and dangerous and substandard buildings and other structures within the Town; and

**WHEREAS**, a public hearing was duly held by the Planning and Zoning Commission of the Town on October 21, 2025, and by the Town Council on November 13, 2025, with respect to the changes described herein; and

**WHEREAS**, the Town Council has determined that the amendments as outlined herein are 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.** Subsection C of Section 3.4, “Board of Adjustment,” of Article 3, “Boards and Commissions,” of Chapter 9A, “Unified Development Code” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended by adding a new subsection 1.e. to read as follows:

“e. The Board of Adjustment shall act as the Building and Standards Commission for the Town and has all of the powers, duties, and responsibilities of the Building and Standards Commission authorized by state law to fully implement Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended. The procedures, notices, decisions, appeals, and other actions of the Board of Adjustment, when acting as the Building and Standards Commission, shall be subject to and shall be governed by Article 4.04 “Dangerous Buildings”, of Chapter 4 “Building Regulations”, as amended.”

**Section 3.** Article 4.04, “Dangerous Buildings,” of Chapter 4, “Building Regulations” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended and replaced in its entirety to read as follows:

“§ 4.04.001 **Purpose, scope, and creation of commission.**

(a) **Purpose.** It is the purpose of this article to provide a just, equitable, and practical method, to be cumulative with and in addition to any other remedy available at law, to compel substandard and dangerous buildings and other structures, and violations of health and safety ordinances that endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, to be repaired, vacated, demolished, removed, secured, or otherwise abated.

(b) **Scope.** The provisions of this article shall apply to all buildings and other structures, whether now in existence or whether they may hereafter become dangerous or substandard.

- (c) Creation. There is hereby created a Building and Standards Commission (the “Commission”) in accordance with the provisions of Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended. The Commission is hereby created to fully implement and accomplish the purposes of Texas Local Gov’t Code Chapter 54, Subchapter C, and Texas Local Gov’t Code Chapter 214, Subchapter A, as amended, and perform the functions established by this article. The Board of Adjustment shall act as the Building and Standards Commission for the Town.

§ 4.04.002 **Definitions.**

Commission. The Building and Standards Commission as created and designated by the town council to hold administrative hearings and to hear and determine cases concerning alleged violations and the enforcement of the town’s minimum building standards, and to address violations of health and safety ordinances, including, but not limited to, dangerous and substandard buildings and other structures within the Town.

Building. Any building, fence, awning, canopy, sign, shed, garage, house, tent, or other structure whatsoever, whether or not intended or designed for human dwelling or occupancy, and the enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

Building code. The International Building Code, promulgated by the International Conference of Building Officials or the International Code Council, as adopted and amended by the town.

Fire code. The International Fire Code, promulgated by the International Fire Code Institute or International Code Council, as adopted and amended by the town.

§ 4.04.003 **Enforcement.**

- (a) Generally.

- (1) Authority of building official. The building official, or the building official’s designee, is authorized to enforce the provisions of this article. The building official shall have the power to render interpretations of this article and to adopt and enforce rules and supplemental regulations in order to clarify the applications of its provisions. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this article.

- (2) Inspections. The building official and the fire marshal, or their designee are each authorized to make such inspections and take such actions as may be required to enforce the provisions of this article.
  
- (3) Right of entry. When it is necessary to make an inspection to enforce the provisions of this article, or when the building official, or the building official's designee, has a reasonable cause to believe that there exists in a building or upon premises a condition which is contrary to or in violation of this article, or other ordinance adopted by the Town, which makes the building or premises unsafe, dangerous, or hazardous, the building official or their designee may enter the building or premises at reasonable times to inspect or perform the duties imposed by this article; provided that, if such building or premises be occupied, credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the building official or their designee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. The building official or their designee is designated as the person who may be issued a search warrant pursuant to Vernon's Ann. C.C.P. art. 18.05, upon presentation of evidence to a magistrate of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises sought to be inspected. Upon searching the premises, a copy of the warrant shall be presented to the owner if present or if not present, to any person present who is in possession of the property.
  
- (b) Declaration of nuisance; abatement required. All buildings or portions thereof which are determined after inspection by the building official to be dangerous or substandard, as defined by this article, are declared to be public nuisances and shall be abated by repair, vacation, demolition, removal, or securing in accordance with the procedures specified in this article.
  
- (c) Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, or use, occupy or maintain any building or cause or permit the same to be done in violation of this article.
  
- (d) Inspection authorized. All buildings within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official.

§ 4.04.004 **Conditions constituting substandard building.**

For the purposes of this article, any building, regardless of the date of construction, which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building:

- (1) Any building that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
- (2) Any building that, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;
- (3) Any building that is boarded up, fenced, or otherwise secured in any manner if:
  - (A) The building constitutes a danger to the public even though secured from entry; or
  - (B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (2) of this section;
- (4) Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
- (5) Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide a safe and adequate means of exit in case of fire or panic;
- (6) Whenever the stress in any materials or members or portions thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location;
- (7) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location;
- (8) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- (9) Whenever any portion of any building, or any member, appurtenance, or ornamentation on the exterior thereof, is not of sufficient strength or stability, or is not so anchored, attached, or fastened in place, so as to be capable of resisting a wind pressure of one-half of that specified in the building code for

new buildings of similar structure, purpose, or location without exceeding the working stresses permitted in the building code for such buildings;

- (10) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to wind or earthquakes than is required in the case of similar new construction;
- (11) Whenever the building, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse;
- (12) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- (13) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
- (14) Whenever the building, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty (50%) or more percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;
- (15) Whenever the building has been so damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated, as to become (i) an attractive nuisance to children; or (ii) a harbor for vagrants, criminals, or immoral persons;
- (16) Whenever any building has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building regulations of this jurisdiction, as specified in the building code, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings;
- (17) Whenever any building, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portions less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location;

- (18)** Whenever a building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the building official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease for reasons including, but not limited to, the following:
- (A)** Lack of or improper water closet, lavatory, bathtub, or shower in a dwelling unit or lodging house;
  - (B)** Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
  - (C)** Lack of or improper kitchen sink in a dwelling unit;
  - (D)** Lack of hot and cold running water to plumbing fixtures in a hotel;
  - (E)** Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house;
  - (F)** Lack of adequate heating facilities;
  - (G)** Lack of, or improper operation of, required ventilating equipment;
  - (H)** Lack of minimum amounts of natural light and ventilation required by this code;
  - (I)** Room and space dimensions less than required by this code or the building code;
  - (J)** Lack of required electrical lighting;
  - (K)** Dampness of habitable rooms;
  - (L)** Infestation of insects, vermin, or rodents;
  - (M)** General dilapidation or improper maintenance;
  - (N)** Lack of connection to required sewage disposal system;
  - (O)** Lack of adequate garbage and rubbish storage and removal facilities;
  - (P)** Partial destruction or damage by fire unrepaired for more than ninety (90) days.

- (19) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the building official, or the building official's designee, or the fire marshal to be a fire hazard;
- (20) Whenever any building is in such a condition as to make a public nuisance as defined by ordinance;
- (21) Whenever any portion of a building remains on a site after the demolition or destruction of the building;
- (22) Whenever any building is abandoned so as to constitute such building or portion thereof an attractive nuisance or hazard to the public;
- (23) Whenever any premises contains the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises;
- (24) Whenever any building or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies; and
- (25) Any building constructed and still existing in violation of any provision of the building code, fire code, electrical code, plumbing code, mechanical code, or any other code of the town to the extent that the life, health, or safety of the public or any occupant is endangered.

§ 4.04.005 **Determination and action by building official.**

When the building official, or the building official's designee, has inspected any building and has found and determined that the building is substandard, the building official may take any or all of the following actions, as they deem appropriate:

- (1) Issue notice to the record owner that the building is substandard or dangerous and must be repaired or demolished. The notice shall contain:
  - (A) The street address and description (legal or other) sufficient for identification of the premises upon which the building is located;
  - (B) A statement that the building official has found the building to be substandard or in violation of town ordinances with a brief and concise description of the conditions found to render the building dangerous;

- (C) A statement of the action required to be taken as determined by the building official;
  - (D) A requirement that the owner or person in charge of the building or premises secure required permits and commence the required action within fifteen (15) days from the date of such notice and that all work be completed within such time as the building official shall determine is reasonable;
  - (E) If the building official has determined that the building or structure must be vacated, the notice shall contain a requirement that the building be vacated within such time from the date of the notice as determined by them to be reasonable;
  - (F) A statement advising that if any required repair or demolition work is not commenced within the time specified, the building official will, without further notice, order the building vacated and posted to prevent further occupancy until the work is completed; and
  - (G) A statement advising that if any required repair or demolition work is not commenced or completed within the time specified, proceedings will be commenced to have the building repaired, removed, or demolished and the cost of such assessed as a charge against the land;
  - (H) Service of notice shall be made upon all persons entitled there to either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last tax roll of the town, or as known to the building official. If no address of any such person appears or is known to the building official, then a copy of the notice and order shall be published twice within ten (10) consecutive days in a newspaper of general circulation in the town. Failure to receive such notice or order shall not affect the validity of any proceedings taken under this article. Service by certified mail in the manner provided in this section shall be deemed effective on the date of mailing. Service by publication shall be deemed effective on the date of the second publication.
- (2) Issue citation(s) for violation(s) of this article;
  - (3) Secure the building if permitted under this article; or
  - (4) Recommend to the Commission that abatement proceedings be commenced pursuant to section 4.04.006.

§ 4.04.006 **Public hearing.**

- (a) Commencement of proceedings. When the building official has found and determined that a building is a substandard building, the building official shall commence proceedings to cause the repair, vacation, relocation of occupants, removal, demolition, or securing of the building.
- (b) Public hearing to be held. Except when the building official finds that a building is likely to immediately endanger persons or property, a public hearing before the Commission shall be held to determine whether a building complies with the minimum building standards of the town. If the building official determines that the building constitutes an immediate danger, the procedures set forth in section 4.04.010 shall be followed.
- (c) Notice requirements. Not less than ten (10) days prior to the date on which the hearing is set, the building official shall issue a notice of the public hearing directed to the record owner of the building, and to all mortgagees and lienholders. The notice shall be sent by certified mail and return receipt requested. The town shall use best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building through the records of the county clerk and through any other source available to the town. A copy of the notice shall be posted on the front door of each building situated on the affected property or as close to the front door as practicable. The notice shall contain:
  - (1) The name and address of the record owner;
  - (2) The street address or legal description sufficient for identification of the premises upon which the building is located;
  - (3) A statement that the building official has found the building to be substandard or dangerous, with a brief and concise description of the conditions found to render the building dangerous or substandard under the provisions of this article;
  - (4) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article, and the time it will take to reasonably perform the work;
  - (5) Notice of the time and place of the public hearing; and
  - (6) A statement that, if the building is found to be in violation of this article, the Commission may order that the building be vacated, secured, repaired, removed, or demolished within a reasonable time.

- (d) Additional notice. Prior to the public hearing, the town shall file a copy of the notice mailed pursuant to subsection (c) of this section in the official public records of real property in Denton County.
- (e) Burden of proof. At the public hearing, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article, and the time it will take to reasonably perform the work.
- (f) Conduct of hearing. At the public hearing, the owner of the building and all other interested persons may make their appearance and be heard. Any evidence may be received and considered by the Commission. The chairman of the Commission or, in their absence, any officer designated by rules adopted by the Commission to preside at meetings, shall preside and shall determine all questions of order. The hearing may be adjourned from day to day or continued upon majority vote of the Commission.

§ 4.04.007 **Issuance of order.**

- (a) Findings of the Commission.
  - (1) If the Commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of the minimum building standards of the town, the Commission may order the building be repaired, vacated, removed or demolished, secured, or the occupants relocated by the owner, mortgagee, or lienholder within thirty (30) days unless the owner or lienholder establishes at the hearing that the work cannot be reasonably performed within thirty (30) days.
  - (2) If the Commission allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the Commission shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Commission.
  - (3) The Commission may not allow the owner, lienholder, or mortgagee more than ninety (90) days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

(A) Submits a detailed plan and time schedule for the work at the hearing; and

(B) Establishes at the hearing that the work cannot be reasonably completed within ninety (90) days because of the scope and complexity of the work.

- (4) If the Commission allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the Commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the building official to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the Commission or the building official to demonstrate compliance with the time schedules.
  - (5) The Commission may also assess civil penalties against a property owner that may be recovered by the town as authorized by Texas Local Gov't Code Chapter 54, Subchapter C, and Texas Local Gov't Code Chapter 214, Subchapter A, as amended. In assessing a civil penalty, the Commission shall consider the severity of violations present, the history of compliance of the property or the owner, and the efforts taken, if any, to correct the violations.
  - (6) If the Commission, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of the minimum building standards of the town, and that such conditions cannot reasonably be remedied by repair, or that neither the owner, lienholder, nor the mortgagee are financially able or willing to conduct or cause such repairs to be made within a reasonable time, the Commission shall identify the specific violations found to exist, and order the owner, mortgagee, or lienholder remove or demolish the building, and, if necessary to the public safety, vacate and secure the building and/or relocate the occupants, within such reasonable times as determined by the Commission to be appropriate, as provided herein, or order such other relief as permitted by this article and state law.
- (b) Contents of the order. The order of the Commission must contain at a minimum:
- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;

- (2) A description of the violation of minimum standards present in the building;
- (3) A description of the ordered actions, including a statement that the owner shall repair, if feasible, or demolish or remove in accordance with the Commission's findings;
- (4) A statement that the town will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within the time allowed and charge the cost to the property; and
- (5) If the Commission has determined that the building will endanger persons or property, or if the building is a dwelling with ten (10) or fewer dwelling units, a statement that the town may repair the building and charge the costs to the property if the ordered action is not taken within the time allowed.

§ 4.04.008 **Notice of order.**

- (a) Mailing. After the public hearing, the building official shall promptly mail, by certified mail, return receipt requested, a copy of the order to the record owner of the building, and each identified lienholder and mortgagee of the building.
- (b) Filing with town secretary. Within ten (10) days after the date that the order is issued by the Commission, the building official shall file a copy of the order in the office of the town secretary.
- (c) Publication. Within ten (10) days after the date the order is issued by the Commission, the building official shall publish in a newspaper of general circulation within the town a notice containing:
  - (1) The street address or legal description of the property;
  - (2) The date the hearing was held;
  - (3) A brief statement indicating the results of the order; and
  - (4) Instructions stating where a complete copy of the order may be obtained.

§ 4.04.009 **Enforcement of order.**

- (a) Abatement by town authorized. If the building is not vacated, secured, repaired, removed, or demolished within the time specified by the order, the

town may vacate, secure, repair, remove, or demolish the building or relocate the occupants at its own expense. The building official or designee is the person who may be issued a seizure warrant for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises, upon presentation of evidence to a magistrate of probable cause to believe that a fire or health hazard or violation or unsafe building condition is present in the premises and that the owner of said premises has failed to comply with the Commission's order.

- (b) Posting of notice to vacate building. If the order requires vacation or if compliance is not had with the order within the time specified therein, the building official is authorized to require that the building be vacated. Notice to vacate shall be mailed by certified mail, return receipt requested, to the occupant of the building and it shall be posted at or upon each entrance to the building and shall be in substantially the following form:

SUBSTANDARD BUILDING  
DO NOT ENTER  
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or deface this notice.

\_\_\_\_\_  
Building Official  
Town of Northlake

- (c) Remedial action by the town. Any repair or demolition work shall be accomplished and the costs thereof paid and recovered. If the town incurs expenses under this section, the town may assess the expenses, together with ten percent (10%) interest in such amount from the date on which the work was performed, and upon doing so, the town shall have a lien against the property on which the building was located. The lien shall be extinguished if the property owner, lienholder, mortgagee, or other person having an interest in the legal title to the property reimburses the town for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk. The notice must contain the name and address of the owner, a legal description of the real property on which the building was located, the amount of expenses incurred by the town, and the balance due. The lien shall be privileged and subordinate only to tax liens and existing special assessment liens and shall be paramount to all other liens. The town may repair the building at its own expense and assess the expense on the land on which the building stands or is attached to only to the extent necessary to bring the building into compliance with minimum standards.
- (d) Failure to obey order. Any person to whom an order is directed who fails, neglects, or refuses to comply with such order shall be guilty of a

misdemeanor and may be prosecuted in municipal court in addition to any other remedies available to the town.

- (e) Permits required. Any work of closure, repair, or demolition by the property owner or any lienholder or mortgagee or their agents must be performed pursuant to a valid unexpired permit issued by the town. All permits issued pursuant to an order of the Commission shall expire upon expiration of the time for compliance set forth in the order.
- (f) Final decision. If no appeals are taken from the decision of the Commission within the time period required by Texas Local Gov't Code Ch. 54 or Ch. 214, as applicable, the decision of the Commission is final and binding.

**§ 4.04.010 Additional authority to secure unoccupied buildings; buildings constituting immediate danger.**

- (a) Securing of unoccupied substandard building. Notwithstanding any other provisions of this article, the town may secure a building if the building official determines:
  - (1) That the building violates the minimum building standards of the town and constitutes a public nuisance, or that the condition of the building presents an immediate danger or threat to the health, safety, or welfare of the occupants, if any, or to the general public; or
  - (2) That the building is unoccupied or is occupied only by persons who do not have the right of possession to the building.
- (b) Building creating immediate danger. Notwithstanding any other provisions of this article, if the Commission or the Town Council finds that a building is likely to immediately endanger persons or property the Commission or Town Council may:
  - (1) Order the owner of the building, the owner's agent, or the owner or occupant of the property on which the structure is located to repair, remove, or demolish the structure, or the dangerous part of the structure, within a specified time; or
  - (2) Repair, remove, or demolish the structure, or the dangerous part of the structure, at the expense of the town, on behalf of the owner of the structure or the owner of the property on which the structure is located and assess the repair, removal, or demolition expenses on the property on which the structure was located.

- (c) Service of notice. Before the eleventh (11<sup>th</sup>) day after the date the building is secured or action is ordered or the building is repaired, removed, or demolished, the building official shall give notice to the owner by:
- (1) Personally serving the owner with written notice; or
  - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or
  - (3) Publishing the notice at least twice within a ten (10) day period in a newspaper of general circulation in the county in which the building is located, if personal service cannot be obtained and the owner's post office address is unknown; or
  - (4) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown; and
  - (5) In addition to the above, depositing notice in the United States mail to all lien holders and mortgagees who can be determined from a reasonable search of instruments on file in the office of the county clerk.
- (d) Contents of notice. The notice must contain:
- (1) An identification, which is not required to be a legal description, of the building and the property on which it is located;
  - (2) A description of the violation of the minimum building standards present in the building;
  - (3) A statement that the town will secure or has secured, as the case may be, the building or that the town has taken or will take the action ordered; and
  - (4) An explanation of the owner's entitlement to request a hearing about any matter relating to the town's securing, removing, demolishing, or repairing of the building.
- (e) Hearing. The Commission shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the town's securing, repairing, removing, or demolishing of the building, if, within thirty (30) days after the date the town has taken action the owner files with the town a written request for the hearing. The hearing shall be conducted within twenty (20) days after the date the request is filed.

- (f) Recovery of town's cost. If the town incurs expenses under this section, such expenses incurred shall be a personal obligation to the property owner in addition to a priority lien upon the property.
- (g) Authority to order immediate demolition. Notwithstanding all other provisions of this article, nothing herein shall be deemed a limitation on the duty of the town to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the protection of life, property, or general welfare of the people in the town.

§ 4.04.011 **Civil penalty.**

- (a) Authorized. In addition to any other enforcement authority provided for by law, the Commission may, by order, at an administrative hearing, assess a civil penalty against a property owner as provided for herein for failure to comply with an order issued by the Commission.
- (b) Showing required. The civil penalty may be assessed if it is shown at the administrative hearing that:
  - (1) The property owner was notified of the contents of the order issued; and;
  - (2) The property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order.
- (c) Amount of penalty. The civil penalty may be assessed in an amount as provided for in the general penalty provision found in section 1.01.009 of this code for each violation, or in any amount as provided for in Texas Local Gov't Code Chapter 54, Subchapter C, and Texas Local Gov't Code Chapter 214, Subchapter A, as amended.
- (d) Notice of administrative hearing. The notice of an administrative hearing under this section shall conform with the notice requirements under section 4.04.006 of this article.
- (e) Enforcement. To enforce any civil penalty under this article, the town secretary shall file with the district clerk of the county a certified copy of the order of the Commission stating the amount and duration of the penalty. No other proof is required for a district court to enter final judgment on the penalty.

- (f) Remedies cumulative. The remedies authorized under this article are inclusive and not exclusive and shall in no way prevent the town from exercising any and all other remedies at law to which it may be entitled, including proceedings under the jurisdiction of the municipal court or injunctive or other civil relief as allowed by law.

§ 4.04.012 **Criminal penalty.**

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 article shall be fined as provided for in the general penalty provision found in section 1.01.009 of this code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.”

**Section 4.** This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Northlake, Texas, including, but not limited to, those ordinances affecting zoning and land use, as amended, and shall not repeal any of the provisions of such ordinances, except where the provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

**Section 5.** It is hereby declared to be the intention of the Town 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 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 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 deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with section 1.01.009 of the Code of Ordinances, Town of Northlake, Texas. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**Section 7.** All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Code, as amended, or any other ordinances affecting the subject matter 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 this Ordinance but may be prosecuted until final disposition by the courts.

**Section 8.** The Town Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as required by Section 4.11(c) of the Town's Charter.

**Section 9.** This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** by the Town Council of the Town of Northlake, Texas, on December 11, 2025.

Town of Northlake, Texas

*Brian G. Montini*

\_\_\_\_\_  
Brian G. Montini, Mayor

ATTEST:

*Zolaina L. Parker*

\_\_\_\_\_  
Zolaina Parker, Town Secretary



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**NORTHLAKE BOARD OF ADJUSTMENT  
BOARD OF DIRECTORS COMMUNICATION**

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**DATE:** February 3, 2026  
**REF. DOC.:** Northlake Home Rule Charter  
**SUBJECT:** Consider approval of meeting minutes for December 2, 2025  
**GOALS/  
OBJECTIVES:** Invest in Infrastructure; 4.5 - Leverage technology and equipment to deliver services

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**BACKGROUND INFORMATION:**

- Approval of Minutes:
  - December 2, 2025 - Regular Meeting

**BOARD DIRECTION:**

Approve Minutes Draft as Presented



**NORTHLAKE BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
TOWN HALL - COUNCIL CHAMBER ROOM  
1500 COMMONS CIRCLE, SUITE 300, NORTHLAKE, TEXAS 76226  
DECEMBER 2, 2025**

The Northlake Board of Adjustment convened in a Regular Meeting on December 2, 2025, at 5:30 PM, in the Northlake Police Department – Community Room, 1600 Commons Circle, Suite 300, Northlake, Texas.

**1. CALL TO ORDER**

Chairperson Ham called the meeting to order at 5:30 p.m., and a quorum was present as follows:

Roll Call:

Lisa Ham, Chairperson  
Thomas Lott, Member  
Raymond Callahan, Member

Robert Parker, Vice Chairperson  
Dale Mauch, Member

Also present were:

Drew Corn, Town Manager  
Zolaina Parker, Town Secretary  
Dean Roggia, Town Attorney

Nathan Reddin, Development Services Director  
Lora Hutchings, Planning & Permitting Coordinator

**2. PUBLIC INPUT**

The following individuals shared comments as allowed under the Public Input portion of the agenda. All comments may be viewed in their entirety on the Town's Website at <https://www.town.northlake.tx.us/337/Watch-Council-Meetings>.

- None

**3. ACTION ITEMS**

- A. Consider approval of meeting minutes for October 7, 2025  
**APPROVED**

The item was presented, and discussion followed.

Vice Chairperson Parker moved to approve the item as presented. Motion seconded by Member Callahan. Motion Carried.

AYES (5): Lott, Ham, Parker, Callahan, Mauch  
NAYS (0): None  
ABSENT (0): None

- B. Consider a request for an appeal of the denial of sign permit application # 25NORT- SGN00031, for a billboard sign proposed on a portion of a 1.319-acre site generally located on the east side of the IH 35W Service Road and approximately 400 feet north of Ashmore Lane at 17901 IH 35W, and zoned Commercial (C). Case # 25-VBOA00005

- i. Public Hearing
- ii. Consider Approval

**APPROVED**

The item was presented and discussion followed.

Chairperson Ham opened the public hearing at 6:08 p.m., with the following coming forward to speak:

- Joel McGregor, address on file - questioned why Fort Worth business can take away business from Northlake; consider what applicant has been thru; promote Northlake businesses

With no further speakers, Chairperson Ham closed the public hearing and reconvened the Regular Meeting at 6:11 p.m.

As authorized by and pursuant to Section 551.071 of the Texas Government Code, Chairperson Ham, recessed the Regular Meeting at 6:11 p.m. and convened into Executive Session.

Chairperson Ham closed the Executive Session and reconvened the Regular Meeting at 6:28 p.m. No votes, orders, or decisions were addressed during Executive Session.

Member Mauch moved to deny the appeal as presented. Motion seconded by Vice Chairperson Parker. Motion Carried.

AYES (4) Ham, Parker, Callahan, Mauch  
NAYS (1): Lott  
ABSENT (0): None

**4. ADJOURN**

With no further business, Chairperson Ham adjourned the meeting at 6:29 p.m.

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Chairperson/Vice-Chairperson

Attest:

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Zolaina R. Parker, Town Secretary

MINUTES APPROVED ON: \_\_\_\_\_

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**NORTHLAKE BOARD OF ADJUSTMENT  
BOARD OF DIRECTORS COMMUNICATION**

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**DATE:** February 3, 2026  
**REF. DOC.:** Unified Development Code (UDC)  
**SUBJECT:** Consider ratification of an agreement between the Town of Northlake, Texas, the Northlake Board of Adjustment, and Media Choice, LLC ("Media Choice"), regarding Case # 25-VBOA00005  
**GOALS/  
OBJECTIVES:** Plan Intentionally and Responsibly; 3.1 - Identify and plan for changes in codes and zoning that enhance desired development

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**BACKGROUND INFORMATION:**

Purpose:

- Ratification of agreement with Media Choice, LLC

Owner:

- BDC Family Limited Partnership

Applicant:

- Media Choice, LLC

Site:

- Property located near the northeast corner of Ashmore Lane and I-35W Service Road
- East side of I-35W, approximately 450 feet north of Ashmore Lane

Background:

- Media Choice, LLC asserted claims against the Town of Northlake and the Board of Adjustment (BOA) following the denial of a sign permit application for a new digital billboard
- On December 10, 2025, the parties entered into a tolling agreement to negotiate a resolution while awaiting a determination from the Texas Department of Transportation (TxDOT)
- On December 11, 2025, the Town Council amended Section 11.18 of the Unified Development Code (UDC) to provide that TxDOT's statutory and regulatory authority controls if there is a conflict with Town ordinances.
- Subsequently, TxDOT approved the billboard permit application on December 20, 2025

Analysis:

- This Agreement was executed by the Town Manager and the Chairperson of the Board in accordance with the intent of Section 11.18 of the UDC
- The parties agree that the TxDOT approval supersedes Town ordinances that would otherwise prohibit the location of the proposed billboard
- Consequently, the billboard construction permit and associated electrical permit applications are hereby approved through this Agreement, despite the prior BOA decision

- In exchange, Media Choice, LLC has agreed to forever release and waive any claims against the Town or the BOA related to the original denial

**BOARD DIRECTION:**

- Approve ratification of agreement

## SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement"), is entered into as of December 30, 2025 ("Effective Date"), by and between the Town of Northlake, Texas, a home-rule municipality ("Town") and the Northlake Board of Adjustment ("BOA"), on the one hand, and Media Choice, LLC ("Media Choice"), on the other hand, (collectively the "Parties"). Media Choice believes that it has or may have claims against the Town and/or BOA (collectively, the "Claims"), arising from the denial of Media Choice's sign permit application for a new digital billboard ("Billboard") to be installed within the corporate limits of the Town on private property located near the northeast corner of Ashmore Lane and I-35W Service Road, Northlake, Texas, Denton CAD Parcel ID #272022 (the "Property") by the BOA ("BOA Decision"). On December 10, 2025 the Parties entered into a Tolling Agreement to await Texas Department of Transportation's ("TxDOT") determination on Media Choice's pending billboard permit application, as well as negotiate a possible resolution of the Claims before any action was filed.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. TxDOT approved the Billboard permit application attached hereto as Exhibit A on December 20, 2025 ("TxDOT Approval"). The Parties agree that the Town has already reviewed the Billboard construction permit application and its associated electrical permit application on the Property submitted by Media Choice on or about October 2, 2025, and despite the BOA Decision the same is hereby approved by execution of this Agreement. The Parties further agree that the TxDOT Approval supersedes Town ordinances that would otherwise prohibit the location of the proposed Billboard on the Property. Media Choice further agrees to forever release and waive any Claims it may have against the Town or the BOA related to the BOA Decision.

2. Each of the Parties represents and warrants that it (a) has full power and authority to enter into this Agreement, (b) has consulted with legal counsel, (c) understands the terms hereof, (d) enters into this Agreement freely, (e) is not relying upon any promise or representation of the other, except as set forth herein, and (f) the person signing on its behalf has the capacity and full authority to execute the Agreement and bind the party for which said person is signing.

3. This Agreement shall be binding upon and inure to the benefit of each of the Parties hereto and their respective successors, assigns, members, agents, and representatives.

4. The covenants, promises, agreements and representations herein made and provided are lawful and adequate consideration for each other.

5. If any provision in this Agreement should be held to be invalid or unenforceable, such provision shall be made effective to the fullest extent reasonable and practical, and the invalidity or unenforceability of the provision shall not affect the remaining provisions, which shall at all times continue in full force and effect.

6. This Agreement may be signed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute the same instrument. A signature transmitted by electronic mail will have the same effect as the original signature.

7. The Parties shall cooperate fully, act in good faith, execute any and all supplementary documents, and take all additional actions and proceedings, whether legal, procedural, or otherwise, that may be reasonably necessary, advisable, or appropriate to give full force and effect to the terms and intent of this Agreement.

8. This Agreement shall be interpreted in accordance with the substantive law of the State of Texas, without application of choice of laws rules.

9. On December 11, 2025, the Town Council of the Town of Northlake, Texas, amended Section 11.18 of the Unified Development Code of the Town (“UDC”) to provide that the statutory and regulatory authority of TxDOT controls in the event of a conflict with the Town’s ordinances. Accordingly, this Agreement is executed by the Town Manager and the Chairperson of the Board in accordance with the purpose and intent of Section 11.18 of the UDC.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

**MEDIA CHOICE, LLC**

By: *Craig Holmes*

Name: Craig Holmes

Title: Government Affairs

**TOWN OF NORTHLAKE, TEXAS**



By: \_\_\_\_\_

Name: Drew Corn

Title: Town Manager

**NORTHLAKE BOARD OF ADJUSTMENT**



By: \_\_\_\_\_

Name: Lisa Ham

Title: Chairperson

## EXHIBIT A

Docusign Envelope ID: FBF45F69-2B2F-4035-97A2-11A175095AE7



### PERMIT APPLICATION FOR INTERSTATE/PRIMARY SYSTEM SIGN Texas Transportation Code Chapter 391

<b>For Department Use Only</b>
Permit No: <u>PMT-25-00652</u>

Case Information	
Case No: PMT-N-25-03811	Case Type: New Permit

Part 1 – Instructions
<p style="color: red; text-align: center;"><b><i>This form is susceptible to changes. To ensure you are using the latest version apply online. <a href="http://txdot.gov">txdot.gov</a> &gt; “Do Business” &gt; “Right of Way” &gt; “Learn About Commercial Sign Regulations”</i></b></p> <p><b><i>Complete this form in its entirety.</i></b> If the permit application is incomplete or has incorrect information, the department will reject it and will not refund the application fee. In no case will TxDOT return the original application to the applicant. <b><i>A re-submittal of an application will require a new application fee and permit application with original signatures and notary seal.</i></b> An application that is not complete or has incorrect information loses its priority location.</p>

Part 2 – Identification of the Applicant
<b>Complete name of applicant as shown on TxDOT Sign License</b> <i>(You must have a license before you apply for a permit):</i> ACME Partnership, LP
<b>Mailing Address:</b> 3701 Bee Cave Rd, Ste 101, Austin, TX, United States, 78746
<b>Telephone:</b> (512) 693-9950
<b>TxDOT Sign License No:</b> 6499
<b>Email Address:</b> cjenkins@mediachoice.com

Part 3 – Location of Proposed Sign	
<b>Highway Designation and No</b> <i>(e.g., FM 1626, Connally Rd, etc.):</i> I35 W	<b>Side of Highway</b> <i>(check one):</i> <input type="checkbox"/> North <input type="checkbox"/> South <input checked="" type="checkbox"/> East <input type="checkbox"/> West
<b>Distance to Nearest Intersection from Sign Site</b> <i>(e.g., 955 ft. N of Jones Rd. or 5.2 mi. W of FM 1626, etc.):</i> 0.085 Miles. of 450 feet north of Ashmore Ln.	
<b>Street Address</b> <i>(if available):</i> I-35 W	<b>This site is</b> <i>(check one):</i> <input checked="" type="checkbox"/> Inside City Limits <input type="checkbox"/> Outside City Limits
<b>Nearest City:</b> Northlake	<b>County:</b> Denton
<b>Central Appraisal District Parcel Identification Number:</b> 272022	
<b>Latitude:</b> 33.03314	<b>Longitude:</b> -97.26622

Part 4 – Sign Acquired by a Transportation Project
<input type="checkbox"/> This application uses an issued acquired sign credit, which has been attached to this application. The credit record ID being utilized is _____. <p style="text-align: center;"><b>You must attach the issued acquired sign credit with your application.</b></p>

<b>For Department Use Only</b>
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<b>Part 5 – Electronic Sign Faces</b>	
<b>If you are not applying for an electronic sign, skip this part.</b>	
<ul style="list-style-type: none"> <li>◆ Electronic signs are any that change their message or copy by programmable electronic or mechanical processes.</li> <li>◆ The maximum number of electronic sign-faces for a permit is two with only one face per direction of travel.</li> </ul>	
Electronic Face #1 (If applicable)	Electronic Face #2 (If applicable)
<b>Side of Sign:</b> <input checked="" type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West	<b>Side of Sign:</b> <input type="checkbox"/> North <input checked="" type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West
You must provide contact information for the person who is available to be contacted at any time and who is able to turn off the sign in case of malfunction or to accommodate an emergency notification request for local authorities.	
<b>Name:</b> Kathryn Huynh	<b>Telephone Number:</b> (512) 693-9905

<b>Part 6 – Qualifying Commercial or Industrial Activities</b>	
The minimum number of commercial or industrial activities required to qualify for the sign permit is as follows:	
<ul style="list-style-type: none"> <li>◆ Two qualifying activities: If the sign is to be located on a parcel that is not zoned by an incorporated municipality.</li> <li>◆ One qualifying activity: If the sign is being relocated due to displacement by a transportation project (<i>see Part 4</i>).</li> <li>◆ No qualifying activities: If the sign is to be located on a parcel zoned commercial, industrial, or equivalent by an incorporated municipality.</li> </ul>	
Activity #1 (If applicable)	Activity #2 (If applicable)
<b>Activity Name:</b>	<b>Activity Name:</b>
<b>Address:</b>	<b>Address:</b>
<b>Hours of Operation:</b>	<b>Hours of Operation:</b>
<b>Phone Number:</b>	<b>Phone Number:</b>

<b>Part 7 – Municipal Zoning</b>	
<b>If you are not applying for a sign location within a zoned area, skip this part.</b>	
<ul style="list-style-type: none"> <li>◆ A zoned area must be designated, through comprehensive zoning action, for general commercial or industrial use by a political subdivision with legal authority to zone, regardless of the specific label used. <i>43 TAC §21.178</i></li> </ul>	
<b>You must attach a zoning map or verification from a city official with your application.</b>	
<b>City:</b> Northlake	<b>Zoning Designation:</b> Commercial Zoning
<b>Source:</b> David Reyes	<b>Telephone:</b> (817) 807-7608

<b>Part 8 – Landowner Identification</b>	
<b>Note:</b> By submitting this application, you certify that you have obtained consent to erect and maintain the above-described commercial sign on the property of the person listed below. The information will be verified with the Central Appraisal District records. You must explain any discrepancies by an attachment to this application. Further, you have obtained right of entry onto the property of the sign location for the department or its agents.	
<b>Landowner:</b> BrittLane	<b>Landowner's Telephone:</b> (817) 614-7270
<b>Landowner's Mailing Address:</b> 5000 Overton Plaza, Ste 300, Fort Worth, TX, United States, 76109	

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**Part 9 – Applicant Certification**

By signing this application, you certify that you have an obligation to read, understand, and follow all applicable statutes and rules concerning the erection & maintenance of commercial signs along regulated roadways:

- ◆ Texas Transportation Code, Chapter 391  
(Highway Beautification on Interstate and Primary Systems and Certain Roads)
- ◆ Title 43 Texas Administrative Code, Chapter 21, Subchapter I  
(Regulation of Signs Along Interstate and Primary Highways)

These statutes and regulations are available on-line at no cost on our public website.

**Part 10 – Sketch or Aerial Map of Proposed Sign Site**

**If you provided GPS coordinates in part 3, skip this part.**

To locate the proposed sign site, the following information must be depicted on the sketch or aerial map. *43 TAC §21.159(f)*

- ◆ Indicate the distance from commercial or industrial improvements in relation to the sign site.
- ◆ Indicate the distance from the right of way line to the nearest part of the sign structure.
- ◆ Depict the distance from the nearest permitted Commercial Sign on the same side of the highway to the proposed sign site.
- ◆ Identify the highway name that fronts the sign site.

**Attach your sketch or aerial map when submitting this application.**

**Part 11 – Non-Profit Commercial Signs**

**If you are not a non-profit organization as defined by Title 2 Texas Business Code, Chapter 22, skip this part.**

This application is for a non-profit commercial sign.

- ◆ If you have not been issued a Non-Profit Commercial Sign License, please complete, and attach a Commercial Sign License Application to this application; they will be processed simultaneously.
- ◆ **The application fee is reduced to \$10.00 for non-profit signs.** See Part 13 for further instructions.

**Part 12 – Required Attachments**

**Please include only the below-listed attachments with your application:**

- ◆ **If within a zoned area**, a map or other verification of zoning.
- ◆ **If you did not provide GPS coordinates**, a sketch or aerial map of the sign location.
- ◆ **If the CAD's information is out-of-date or incorrect**, landowner verification documents.
- ◆ **If you received one for this sign**, the Notice of Sign Subject to Regulation.
- ◆ **If you are obtaining a new permit for an acquired sign**, the issued acquired sign credit.

Docusign Envelope ID: FBF45F69-2B2F-4035-97A2-11A175095AE7

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**Part 13 – Submitting the Application**

1. If this application is approved, the applicant agrees to abide by the provisions of Texas Law and the rules and regulations established by the Texas Transportation Commission pertaining to Commercial Signs and certify that the sign described above is erected and maintained in accordance with all specifications, standards, and requirements under these laws, rules, and regulations.
2. By issuance of a permit, TxDOT does not represent that the sign or location thereof meets city, county, and/or local government laws, orders, ordinances, or other regulations. By issuance of a permit, a contract or property right is not created in the permit of the license holder.
3. The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under §552.021 and §552.023 of the Government Code, you are entitled to receive and review this information. Under §559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect.

**Part 14 – Decision on Application**  
**FOR DEPARTMENT USE ONLY**

Upon review of this application and the accompanying documents, this permit application is:

- APPROVED**
- DENIED** because of the reasons outlined in the attached Notice of Denial.

Each permit is valid for one year from the date issued, provided the sign is duly erected and legally maintained. TxDOT may terminate a permit sooner if the State acquires the sign or if the sign is not maintained in accordance with applicable laws and regulations. If the sign license expires without renewal or is revoked, any permits issued pursuant to that license also expire. Permits may only be transferred with approval of the department. Issuance of a permit does not create a contract or property right in the permit or license holder. Nonconforming signs may not be removed and re-erected for any reason, nor substantially changed.

**Action By:** Signed by:  
*Wendy Knox*  
B0BF35E3F2E1496... **Date Signed:** 12/20/2025

Director, Commercial Signs Regulatory Program