



## **PLANNING & ZONING COMMISSION**

**Tuesday, July 22, 2025, 6:00 PM**

**EVENT CENTER 60 MORGAN'S POINT BOULEVARD**

### **Call to Order**

### **Announcements and Citizens Comments**

### **Presentations**

### **Approval of Minutes**

- [1.](#) Consider approving minutes from June 24, 2025, meeting

### **Regular Agenda**

- [2.](#) Consider variance request at 160 Lake Forest Dr
- [3.](#) Consider ADA timelines for established business compliance
- [4.](#) Consider Chapter 3,6, and 14 edits from City Council
- [5.](#) Consider Home Based Business ordinances
- [6.](#) Consider Town Hall meeting responsibilities

### **MPR Comprehensive Plan Update**

### **Items for Future Agendas**

### **P & Z Commission Updates & Comments**

### **Staff Updates**

### **Adjournment**

I certify that a copy of the 7-22-2025 agenda of items to be considered by the Morgan's Point Resort was posted and could be seen on the City Hall bulletin board on the 7-18-2025 at 4:00PM and remained posted continuously for at least 72 hours succeeding the scheduled time of the meeting. I further certify that the following news media were properly notified of the above stated meeting: Belton Journal. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254 742-3206 for further information

Camille Bowser, City Secretary



**PLANNING & ZONING COMMISSION**  
**Tuesday, June 24, 2025, 6:00 PM**  
**EVENT CENTER 60 MORGAN'S POINT BOULEVARD**

**Call to Order**

Meeting called to order by Chairperson, Ken Hobbs, at 6:29 PM. (*Workshop ran over*)

**PRESENT**

Louis Guillaud  
 Ken Hobbs  
 Thomas Westmoreland  
 Leslie Minor

Uryan Nelson, CTCOG  
 Ashlynn Uschek, CTCOG  
 Mike Reeves, MPR

**Announcements and Citizens Comments**

N/A

**1. Approval of Minutes**

- a. Discuss and Consider minutes from April 22, 2025, meeting

Motion made to approve minutes from April 22, 2025, meeting

Motion made by Guillaud, Seconded by Westmoreland.

Voting Yea: Hobbs, Minor

Passed

- b. Discuss and Consider minutes from May 6, 2025, meeting

Motion made to approve minutes from May 6, 2025, meeting

Motion made by Westmoreland, Seconded by Guillaud.

Voting Yea: Hobbs, Minor

Passed

**2. Public Hearing(s)**

- a. Public hearing for 29 Vista Dr, MPR, TX 76513 Special Use Permit (SUP) for Short Term Rental (STR) application

## Open Public Hearing

6:31 PM

## Public Comments (3 mins to speak)

Michele Anderson, 37 Vista Dr, MPR TX 76513 – Spoke in regard to concerns she has with this SUP and other SUPs in her neighborhood

## Close Public Hearing

6:42 PM

Discussion and possible motion to approve, deny, or approve with conditions before forwarding to City Council

Motion made to consider a Special Use Permit for 29 Vista Drive, Morgan's Point Resort, Texas 76513, and to forward the recommendation to City Council for approval or denial

Motion made by Westmoreland, Seconded by Minor.  
Voting Yea: Guillaud, Hobbs

Passed

### b. Public hearing for 160 Lake Forest Dr, MPR, TX 76513 variance application

## Open Public Hearing

6:43 PM

## Public Comments (3 mins to speak)

N/A

## Close Public Hearing

6:44 PM

Discussion and possible motion to approve, deny, or approve with conditions before forwarding to City Council

Motion made to table the variance request for the carport to allow time for the applicant to provide additional information, including measurements and a drawing or photo of the proposed structure

Motion made by Guillaud, Seconded by Westmoreland.  
Voting Yea: Hobbs, Minor

Tabled until next P&Z meeting – July 22, 2025

## **3. Regular Agenda**

### a. Discuss and Consider ADA requirements for MPR

Motion made to recommend incorporating simplified ADA requirements into the City's Code of Ordinances under Chapter 3, Section 3.02.052 Option C Revision

Motion made by Guillaud, Seconded by Minor.  
Voting Yea: Hobbs, Westmoreland

Passed

- b. Discuss and Consider edits to Chapter 3, 6 and Chapter 14 Appendix B-Zoning Ordinance Definitions

Motion made to direct staff to compile a clean copy of the proposed edits to Chapter 3, Chapter 6, and Chapter 14 Appendix B – Zoning Ordinance Definitions, with the assistance of the Building Official, and to forward the draft to City Council for review and consideration

Motion made by Westmoreland, Seconded by Guillaud.  
Voting Yea: Hobbs, Minor

Passed

- c. Discuss and Consider application for membership in P&Z

Motion made to recommend the appointment of Tom Edwards to the Planning and Zoning Commission to fill an existing vacancy, pending City Council approval

Motion made by Guillaud, Seconded by Minor.  
Voting Yea: Hobbs, Westmoreland

Passed

- d. Discuss and Consider Home Based Business ordinance and Chapter Location

Motion made to recommend placing the Home-Based Business regulations under Chapter Chapter 4, Section 4.06 of the Code of Ordinances and to hold a Town Hall meeting for public input prior to final adoption

Motion made by Westmoreland, Seconded by Guillaud.  
Voting Yea: Hobbs, Minor

Passed

#### **4. MPR Comprehensive Plan Update**

The City has received a copy of the Comprehensive Plan

#### **5. Items for Future Agendas**

Home base business townhall

160 Lake Forest variance

#### **P & Z Commission Updates & Comments**

N/A

#### **Staff Updates**

N/A

## **6. Adjournment**

Meeting adjourned at 7:28 PM

I certify that a copy of the \_\_\_6-24-2025\_\_\_ agenda of items to be considered by the Morgan's Point Resort was posted and could be seen on the City Hall bulletin board on the \_\_\_6-20-2025\_\_\_ at 4:00PM and remained posted continuously for at least 72 hours succeeding the scheduled time of the meeting. I further certify that the following news media were properly notified of the above stated meeting: Belton Journal. The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254 742-3206 for further information

Camille Bowser, City Secretary



## APPLICATION FOR VARIANCE REVIEW

Application # 25002 (City Clerk assigns number)Date: 4-15-25**"PLEASE PRINT CLEARLY"**

Name of Requestor: Lori Pagel  
 Address: 160 Lake Forest Drive Phone: (254) 718-2008  
 Email: \_\_\_\_\_

Name of Property Owner: Lori Pagel  
 Address: same as above Phone: same as above  
 Email: \_\_\_\_\_

Property ID/Legal Description/ and Address: \_\_\_\_\_

**Please provide "Any" supporting documents to assist in your review with the Commission**

## Description of Request:

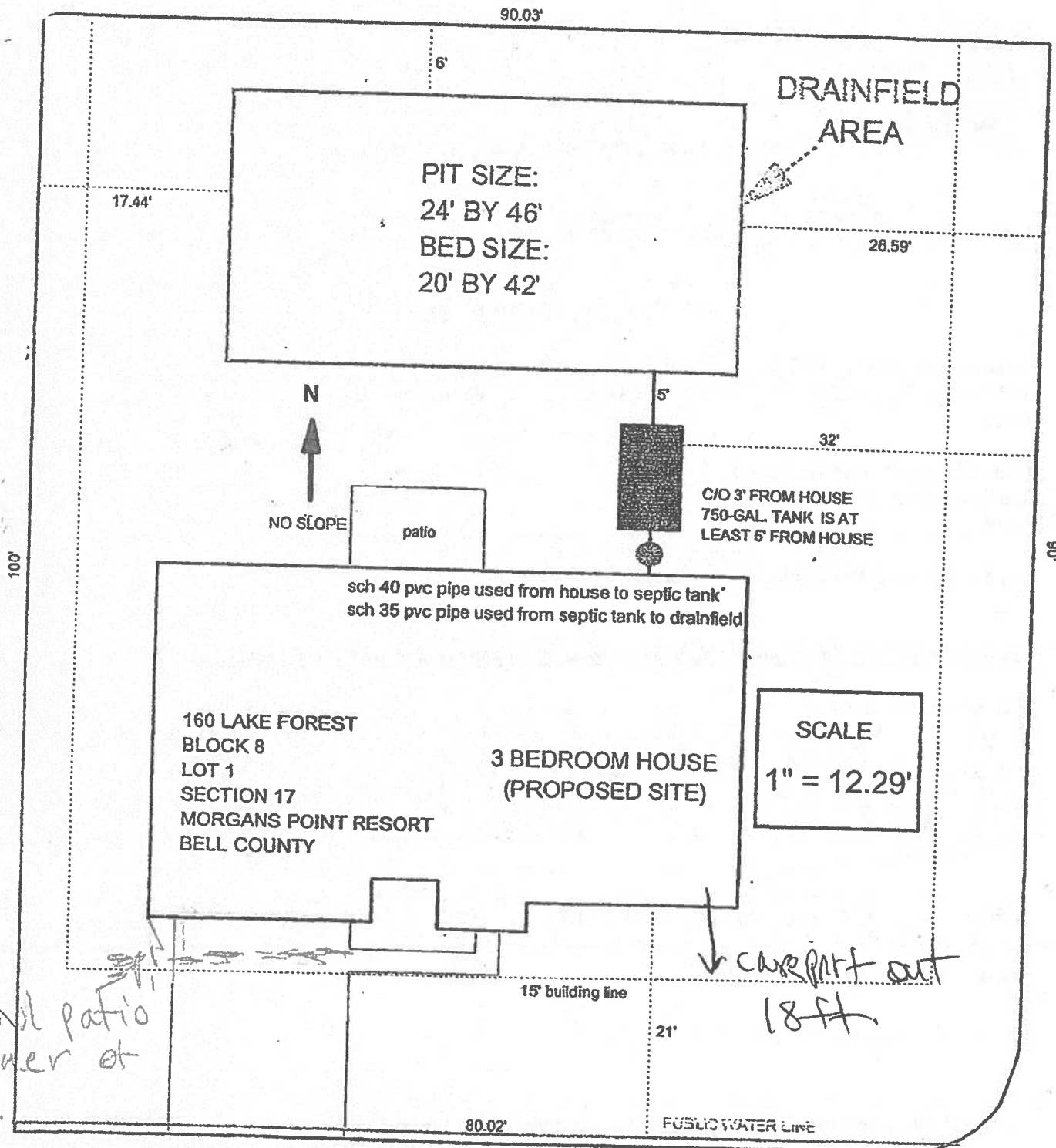
I want to place carport on driveway. I have been recently  
diagnosed with major health conditions & will be  
making very frequent trips to hospital & having surgery so  
I wanted carport to help when weather bad.  
thanks!

DRIVEWAY is Not EXTENDED JUST THE CARPORT - 18ft Past  
DRIVEWAY  
 Signature of Owner/Requestor Lori Pagel Date 4-15-25

Hardship Accomodation ?

Signature/ City Inspector/ Code Enforcement \_\_\_\_\_ Approved/ Disapproved \_\_\_\_\_ Date \_\_\_\_\_

Signature/ Building Official/ Designee \_\_\_\_\_ Approved/ Disapproved \_\_\_\_\_ Date \_\_\_\_\_



Required surface area = Daily wastewater flow (g.p.d.) / soil application rate (g.p.d./ft)  
= 240 g.p.d. / .25 g.p.d./ft  
= 960 ft

The absorptive bed will be sized at 42 feet by 20 feet and will give a total surface area of 964 ft.

Absorptive Area = (length x width) + 2(length + width)  
= (42 x 20) + 2(42 + 20)  
= (840) + (124)  
= 964 ft.

DESIGNER:  
TERRY SHEPPARD  
INSTALLER:  
EAKIN CONSTRUCTION  
OWNER:  
ROY REID

1/11/03  
71

To: me, and 4 others, Cc: Uryan, and 1 other · Wed, Jun 25 at 11:20 AM

**Message Body**

Variance revision. Mike explained that the carport will be 18' past the build line, which is the front of the home and also submitted an example of what it will look like. Would you be willing to accept her using FaceTime or something similar during the next meeting?

The drawing of the property she submitted originally is not accurate.

**Camille Bowser**

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To: Camille, and 3 others, Cc: Uryan, and 1 other · Wed, Jun 25 at 11:35 AM

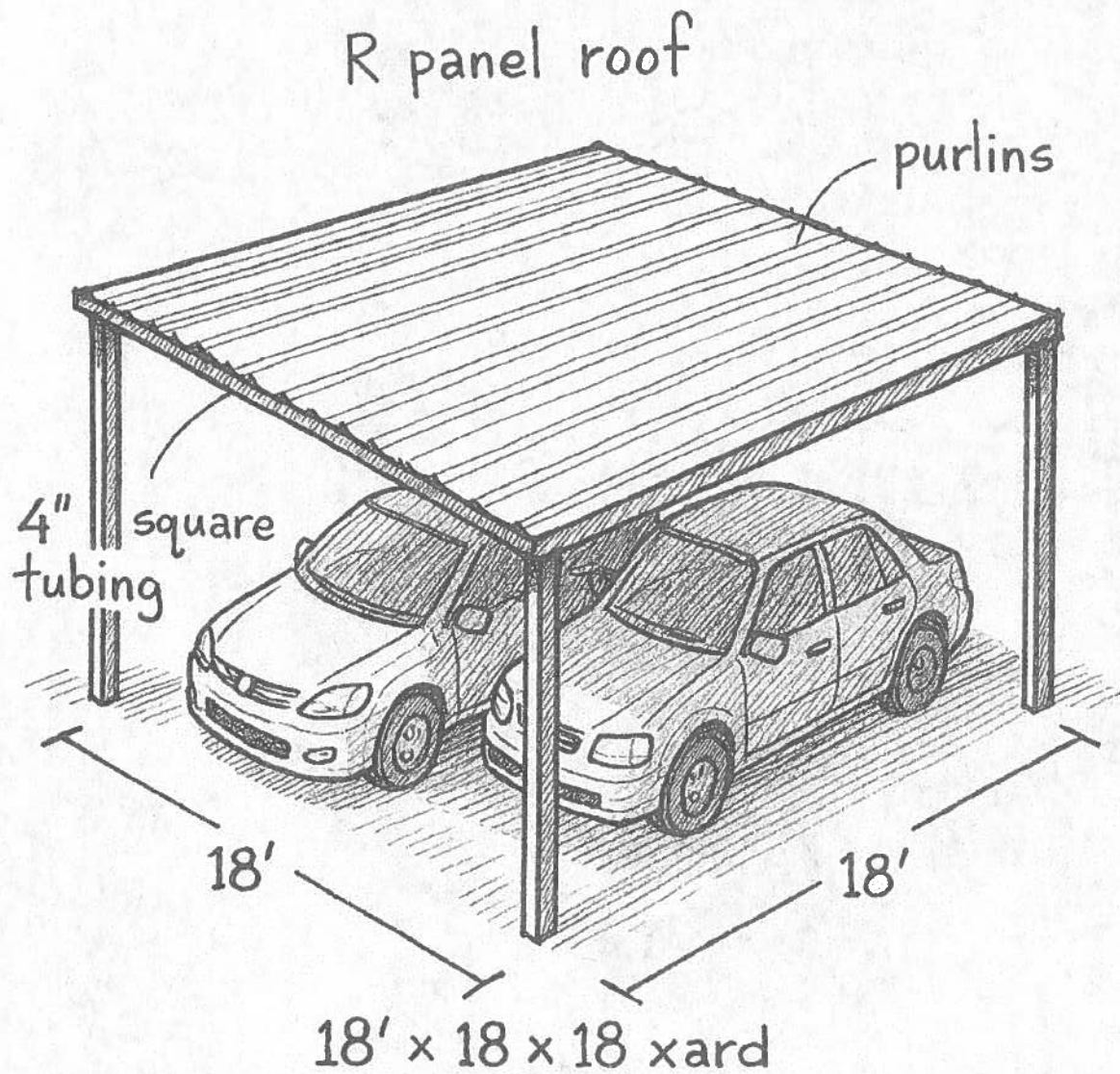
☑ Yes, would be willing to accept a FaceTime meeting for her convenience. If the carport matches her current extensions, the request will be addressed with that in mind. Did she say using the garage is not an option? Ken

To: me · Wed, Jun 25 at 11:58 AM

**Message Body**

Mike asked her that question. Her answer was that she doesn't use the garage door because she doesn't want to wear out the garage door opener. He says she was not being funny with that answer, it was a genuine concern of hers.



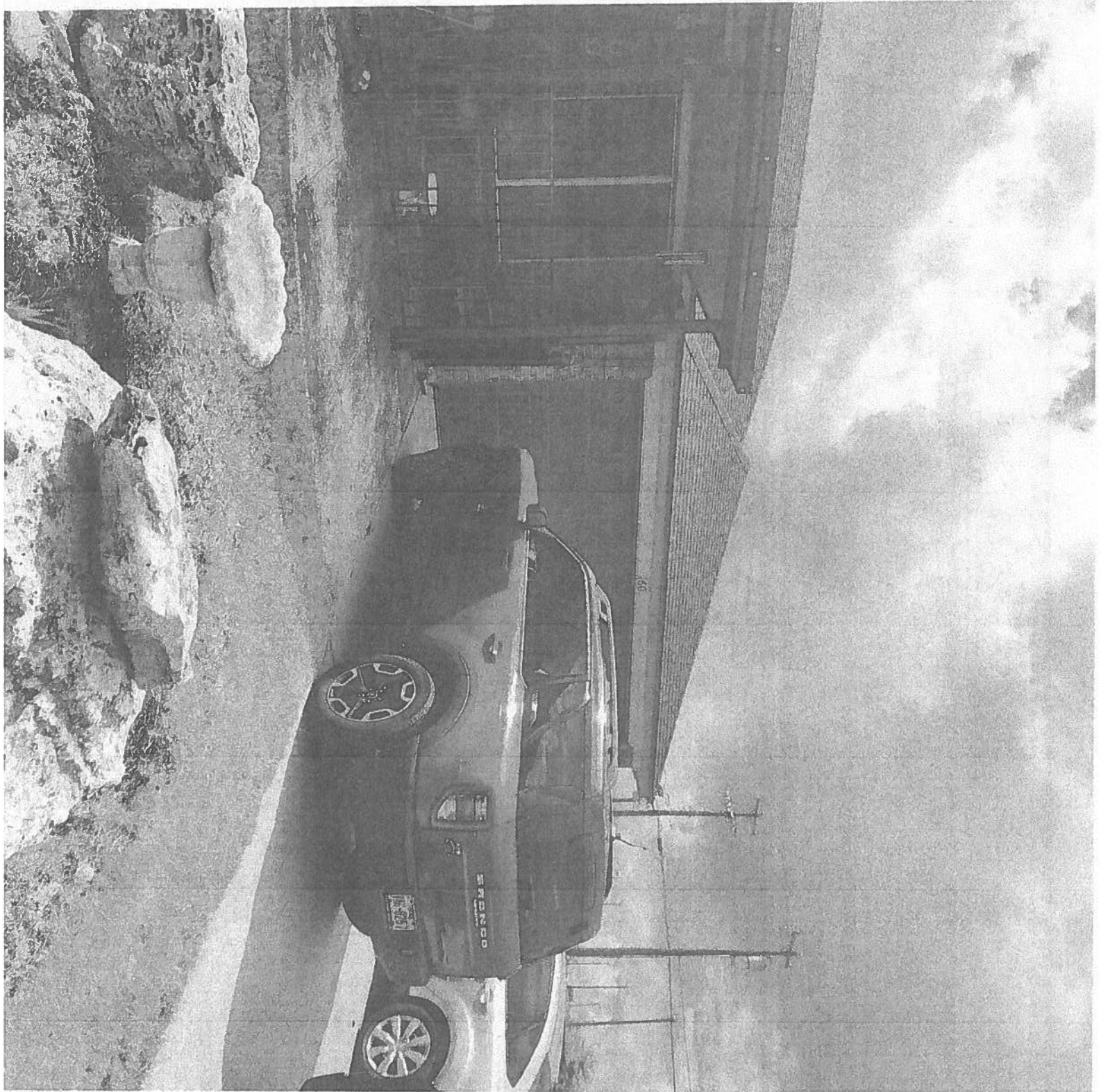


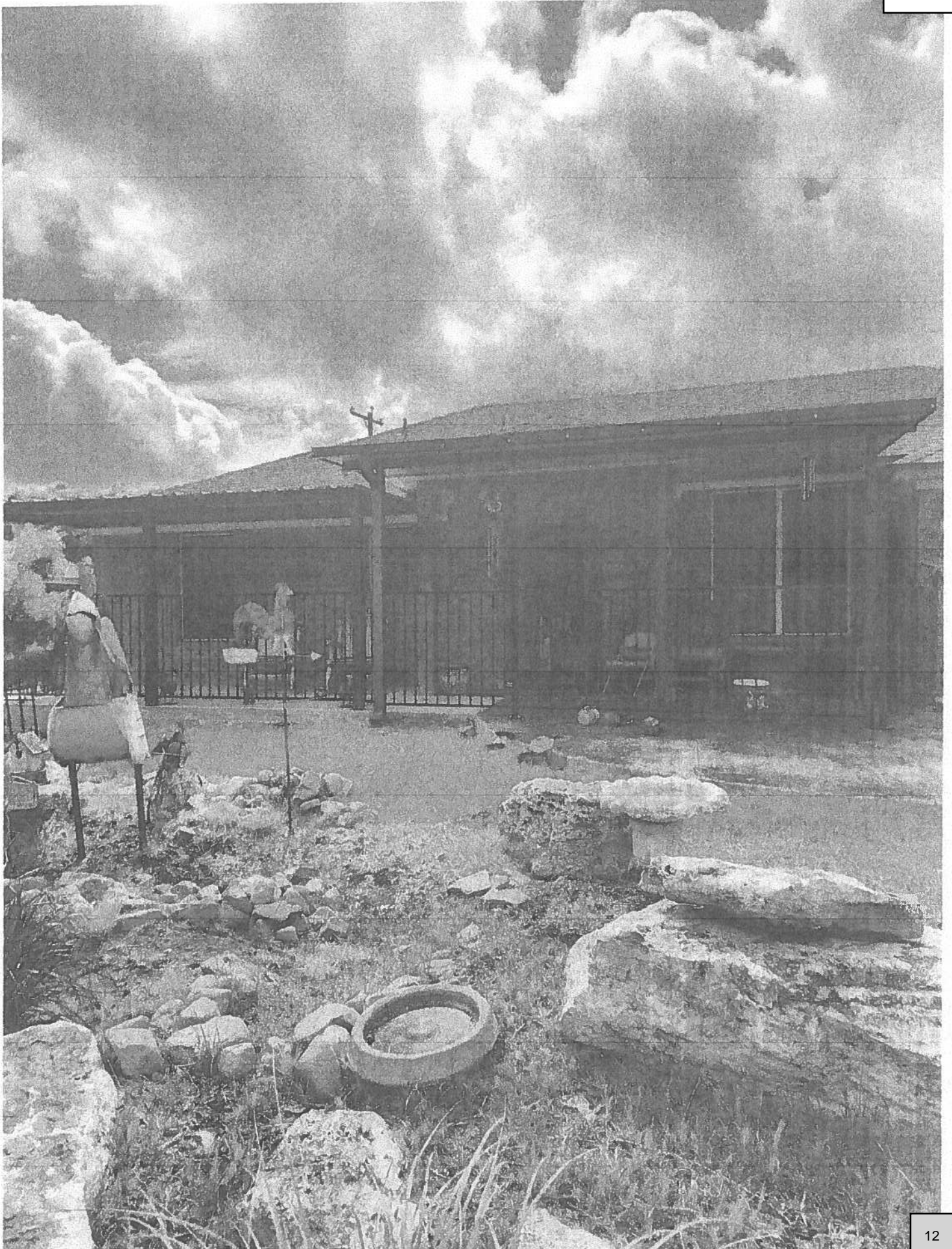
The awning will be attached to the primary structure and will aesthetically match the cover on the left side. This will provide the owner and her mother in a wheel chair access to get in the house out of the rain and not slipping on ice in the winter.

*Item 2.*

Parcels Abstracts Lot Lines











# **RECOMMENDED ORDINANCE UPDATES FOR CONSTRUCTION, HOUSING AND ZONING**

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## **CHAPTER 3 BUILDING REGULATIONS**

## ARTICLE 3.02. - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

### Sec. 3.02.002. - Building Official

The City Building Official shall perform all the duties necessary for the processing of permit applications. The City Building Official has the duty to receive, review, approve, modify or reject all applications for the issuance by the City of building permits. No building permit shall be issued without the written approval of the Building Official. The City Building Official may also perform the duties of City Building Inspector

### Sec. 3.02.003. - Building Inspector

The City Building Inspector shall inspect all phases of construction as outlined in the building, electrical, plumbing and mechanical and energy codes to ensure compliance with the applicable rules and regulations as set forth by this Article.

### Sec. 3.02.004. - Permit required

It shall be unlawful for any person to start construction on a new building, remodel or alter an existing building, place a storage building upon a home site, install a mobile home, install a septic or sewer system, install a swimming pool, install a fence, perform any electrical, plumbing or mechanical work on any structure, or demolish any structure, without first obtaining a permit for such work. Refer to 2015 IRC 105.2 to reference what is exempt from permit requirements

### Sec. 3.02.005. - Plans, specifications and surveyed plot plan required

The City Building Official shall require that his office be provided with the following:

- (1) Plans and specifications to include the front, side and rear elevations, foundation plan and a detailed floor plan of the proposed structure.
- (2) A plot plan of the subdivision with the subject lot identified on the plot.
- (3) A survey showing the location of the proposed structure upon the lot in reference to all property boundaries, setback and/or easements.
- (4) A survey reflecting the approximate location of the septic system in relation to the proposed structure and the property lines.

### Sec. 3.02.006. - Permit procedures; stop work orders

(c) *Approval of plans and specifications.* All plans and specifications must be approved by the City Building Official prior to the issuance of any permit required by this Article

(f) *Expiration of permit.* All permits shall expire and be considered no longer valid 180 days after issuance. The Building Official is authorized to waive these provisions if, in his opinion, the situation warrants such waiver.



**Sec. 3.02.007. - Permit fees**

**(1) New residential construction.**

- a. Includes single- and multiple-family residences.
- b. Square footage includes all under-roof construction. Multi-story structures shall be calculated as above for each occupied floor and the sum of all floor area shall be construed as the aggregate area.
- c. Fees to be paid by individual contractors upon application for a permit are as follows:
  - 1. Building: \$0.06 per square foot (\$25.00 minimum).
  - 2. Foundation: \$64.00 (each inspection).
  - 3. Framing: \$40.00 (one phase inspection).
  - 4. Insulation: \$40.00 (one phase inspection).
  - 5. Wallboard: \$40.00 (one phase inspection).
  - 6. Electrical: \$160.00 (four phase inspection).

**(2) New commercial construction.**

- a. Building: \$0.08 per square foot (minimum \$48.00).
- b. Foundation: \$64.00 (each inspection).
- c. Framing: \$40.00 (one phase inspection).
- d. Electrical: \$160.00 (four phase inspection).
- e. Plumbing: \$120.00 (three phase inspection).
- f. Mechanical: \$80.00 (two phase inspection).
- g. Wallboard: \$40.00 (one phase inspection).
- h. Sprinkler system: \$64.00 (one phase inspection).

**(6) Residential/commercial remodel, renovation and alteration.**

- a. Residential.
  - 1. Building: \$0.06 per square foot (\$50.00 minimum).
  - 2. Foundation: \$64.00 (each inspection).
  - 3. Framing: \$40.00 (each phase inspection).

4. Electrical: \$40.00 (each phase inspection).
5. Plumbing: \$40.00 (each phase inspection).
6. Mechanical: \$40.00 (each phase inspection).
7. Wallboard: \$40.00 (one phase inspection).
8. Certificate of occupancy: \$40.00 (one phase inspection).

**(7) Swimming pools.**

- a. Flat rate fee for each swimming pool: \$160.00
- b. Includes a layout inspection, a rough-in inspection of the steel bonding, high/low voltage electrical, deck bonding and pool barriers and the required window and door alarms that comply with ASTM f2090.

**Sec. 3.02.008. - Certificate of occupancy; required inspections**

*(b) Required inspections.*

**(1) Building:**

- a. Survey plan setback lines.
- b. Foundation and steel.
- c. Framing.
- d. Insulation.
- e. Wallboard
- f. Masonry/fireplace.
- g. Driveways and flatwork.
- h. Final and certificate of occupancy.

**(2) Electrical:**

- a. TBM (temporary building meter/pole).
- b. Rough-in.
- c. Conditional final.
- d. Final.
- e. Electrical service

**(3) Plumbing/gas:**

- a. Rough-in
- b. Top out (stack)
- c. Final.
- (4) Mechanical:
  - a. Mechanical rough-in.
  - b. Mechanical final.
- (5) Energy final
- (6) Miscellaneous inspections:
  - a. Accessory building.
  - b. Garage/carport additions (attached or detached).
  - c. Blasting.
  - d. Fence.
  - e. Swimming pools.
  - f. Other.

**Sec. 3.02.012. - Sanitation facilities on construction sites**

Temporary sanitation facilities shall be required on all construction sites and shall not be placed on the public street.

**Sec. 3.02.015. - Swimming pool fencing**

(a) All outdoor swimming pools of a permanent or semi-permanent construction having a depth of more than 14 inches, whether constructed above or below the ground, shall be enclosed by a fence installed in accordance with 2015 International Residential Code Sec. R326.1, 2015 International Swimming Pool and Spa Code Sec. 305 Barrier Requirements. At no time shall the fence be in conflict with or violation of existing ordinances setting out clearances around fire hydrants or clearances from street corners or ordinances touching upon sight clearances.

**Sec. 3.02.051. - Residential construction**

All design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City and providing for the issuance of permits and the collection of fees therefor; and each of all the regulations, provisions, conditions and terms of the International Residential Code For

One- and Two-Family Dwellings, 2015 edition, International Energy Conservation Code, 2015, published by the International Code Council, on file in the office of the City, are hereby referred to, adopted and made part hereof as if fully set out in this Article, with amendments thereto.

**Sec. 3.02.052. - Commercial construction**

All design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, or addition to commercial property in the City and providing for the issuance of permits and the collection of fees therefor; and each of all the regulations, provisions, conditions and terms of the International Building Code, 2015 edition, International Energy Conservation Code, 2015 edition published by the International Code Council, on file in the office of the City, are hereby referred to, adopted and made part hereof as if fully set out in this Article.

**Sec. 3.02.101. - Residential construction**

*Standards.* All plumbing work performed within the City limits must be in compliance with the International Residential Code For One and Two-Family Dwellings, 2015 edition

**Sec. 3.02.151. - Electrical code; permits**

(a) *Standards.* All electrical work performed within the City limits must be in compliance with the National Electrical Code, 2023 edition per TDLR. The Building Inspector may authorize minor deviations from the code as long as the work is considered safe and durable and within the intent of the code.

(b) *Application for permit; bond.* All applications for electrical permits must be personally made by a licensed electrical contractor or licensed electrician.

**Sec. 3.02.201. - Residential construction**

(a) *Standards.* All mechanical work done within the City limits must be in compliance with the International Residential Code For One- and Two-Family Dwellings, 2015 edition. The Building Inspector may authorize minor deviations from the code as long as the work is safe, durable and within the intent of the code.

**Sec. 3.02.251. - Residential construction**

(a) *Standards.* All gas work performed within the City limits must be in compliance with the International Residential Code For One- and Two-Family Dwelling, 2015 edition. The Building Inspector may authorize minor deviations from the code as long as the work is considered safe, durable and within the intent of the code.

**Sec. 3.02.303. - On-site sewage facilities**

(a) *Generally.* Where the sanitary sewer is not available, septic systems shall be installed as provided herein according to the plans and specifications as outlined below.

**Sec. 3.02.351. - One- and two-family dwelling code**

The City adopts the International Residential Code For One- and Two-Family Dwellings with the following changes:

~~DELETED~~

**ARTICLE 3.03. - HOUSING CODE**

**Sec. 3.03.003. - Scope; designation of Building Official**

(c) The Building Official may delegate his responsibility to the City Building Inspector or other City employee as he deems appropriate.

**Sec. 3.03.004.- Penalty**

Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine not to exceed \$1,000.00 in all cases arising under the ordinances of the City that govern fire safety, zoning and public health and sanitation, other than vegetation and litter violations, provided that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State. Each day or fractional part thereof any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

**Sec. 3.03.031. - Created; membership; hearings.**

(a) There is hereby established in the City a board to be called the Housing Board of Adjustments and Appeals, hereinafter referred to within this Article as the Housing Board, which shall consist of five members. The members of the Housing Board shall be appointed by the City Council.

(b) Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, and thereafter they shall be appointed for terms of four years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the Housing Board shall render any such member liable to immediate removal from office. Any member of the Housing Board may be removed at any time by a majority vote of the City Council for inefficiency, neglect of duty or malfeasance in office.

(c) Three members of the Housing Board shall constitute a quorum. In varying the application of any provision of this Article or in modifying an order of the Building Official, affirmative votes shall be required. No Housing Board member shall act in a case in which he has a personal interest.

(d) The City Secretary or designee shall act as Secretary to the Housing Board and shall make a record of all its proceedings.

(e) The Housing Board shall elect a chairman from among its members.

(f) The Housing Board shall establish rules and regulations for its own procedure and for the conduct of hearings not inconsistent with the provisions of this Article. The Housing Board shall meet at regular intervals to be determined by the Chairman, or, in any event, the Housing Board shall meet within ten days after a notice of appeal has been received.

**Sec. 3.03.061. - Duties of Building Official**

The Building Official, or his designate, is hereby charged with the duty of enforcing this housing code. For the purposes of the housing code, his designate may include the Fire Chief, Police Chief or City Manager.

**Sec. 3.03.063. - Notice of violation—Service on owner**

(c) The notice shall state that, if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the stated time as set forth in the notice, the Building Official shall schedule the subject property for presentation to the Housing Board of Adjustments and Appeals for their review and decision. The owner and all others with legal interest in the property, as shown by deed records of the County, shall be notified of the date, time and place of the hearing of such case presentation.

(3) By posting such notice on or at the property in question.

**Sec. 3.03.102. - Demolition of property**

~~DELETED~~

**Sec. 3.03.103. - Conduct of hearing**

(a) Upon receipt of the notice of appeal, the Building Official shall give written notice to the owner, occupant, mortgagee, and/or all other persons having an interest in the building to appear before the Housing Board on the date specified in the notice to show cause why the order contained in the notice of the Building Official should not be complied with. Such written notice may be sent via the United States registered mail.

**Sec. 3.03.106. - Appeal to City Council**

(a) The aggrieved party shall file with the City Secretary a written notice of appeal to the City Council within ten days after rendition of the decision of the Housing Board.

**Sec. 3.03.152. - Space and egress requirements**

(b) ~~DELETED~~

(c) Floor area shall be calculated on the basis of habitable room area.

**CHAPTER 6 HEALTH AND SANITATION**

**ARTICLE 6.02. - BUILDING OFFICIAL**

**Sec. 6.02.001. - Employment of Building Official**

The position of Building Official will be at-will employment with the city of MPR

**Sec. 6.02.002. – Duties**

It shall be the duty of the Building Official to enforce all ordinances containing provisions for the protection of public health, and to make inspections of foodstuffs and of the premises used for storing or selling of provisions as may be provided by ordinance, and he shall perform such other duties and functions as may be required by statute or ordinance

**Sec. 6.02.003. - Enforcement of rules and orders of Board of Health**

~~DELETED~~

**Sec. 6.02.004. - Reports and recommendations**

The Building Official shall make such reports to the City Council as may be required. He shall also make recommendations for rulings, orders or ordinances respecting the public health whenever he is requested to do so, or whenever he deems it necessary or advisable.

**Sec. 6.04.002. – Enforcement**

(a) The Building Official is hereby designated and charged with enforcing the procedures for abating nuisances under this Article and shall hereinafter be referred to as the Building Official. The Building Official may conduct administrative hearings as provided by this Article.

(b) The Police Department and its members are hereby authorized under the direction of the Building Official to administer the procedures under this Article, except that any authorized person may abate the nuisance.

(c) The Building Official, police officers, or an authorized designee of the Building Official may enter onto or into any private property for the purposes of enforcing this Article in both discovery and abatement if probable cause exists for such belief.

**Sec. 6.04.006. - Notice to abate**

(a) Whenever any public health nuisance exists on property or premises within the City limits in violation of [Section 6.04.004](#) of this Article, the Building Official shall provide 7 to 30 days depending on extent of the violation/s, violators resources, etc. by written notice to abate the public health nuisance to the owner or occupant of the property or premises.

(b) The notice to abate shall be sent by certified mail, return receipt requested, to the owner or occupant of any property or premises within the City limits on which the public health nuisance exists and a posting of such notice will be placed on or at the property in question.

**Sec. 6.04.007. – Citations**

The Building Official or his designees are authorized to issue a citation to any person who violates the provisions of [Section 6.04.004](#) of this Article.

**Sec. 6.04.010. - Abatement of dangerous weeds without notice**

(4) An explanation that the property owner has a right to request an administrative hearing by filing a written request with the Building Official not later than the 30th day after the date of the abatement of the weeds.

**Sec. 6.04.011. - Administrative hearing on abatement of weeds.**

~~DELETED~~

**Sec. 6.04.012. - Assessment of City's expenses; lien**

(b) To obtain a lien against the property, the Building Official or City Secretary shall file a statement of expenses with the County Clerk.

**Sec. 6.04.013. - Criminal penalty**



(a) Procedures for abatement and removal of a public health nuisance by the Building Official under this Article are independent and cumulative of criminal penalties provided herein.

**Sec. 6.05.001. – Definitions**

***Exterior storage*** means storage of goods or items such as household goods, tools, building materials or other items intended to be stored indoors.

***Handbill, commercial***

DELETED

***Handbill, noncommercial***

DELETED

**Sec. 6.05.008. - Throwing from vehicle**

DELETED

**Sec. 6.05.009. - Litter blown from or deposited by vehicle**

DELETED

**Sec. 6.05.012. - Distribution of handbills**

DELETED

**APPENDIX B. - ZONING ORDINANCE**

**Section 3. – Definitions**

**Approved Fence Materials**

DELETED

**Building:** definition

DELETED

**Carport:** A carport is a structure that is open on not less than 2 sides and has floor surfaces made of approved noncombustible material. Carports that are not open on two or more sides must comply with garage regulations.

**Certificate of Occupancy:** An official certificate issued by the City through the Building Official for the approved use and occupancy which indicates that the structure complies substantially with the plans and specifications that have been submitted to, and approved by the City.

**City Building Official:** The City Building Official shall perform all the duties necessary for the processing of permit applications. The City Building Official has the duty to receive, review, approve, modify or reject all applications for the issuance by the City of Building permits. No building permit shall be issued without the written approval of the Building Official. The City Building Official may also perform the duties of City Building Inspector.

**Recreational Vehicle (RV):** A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self propelled (motorized) or tow behind. Also see heavy load vehicle. A recreational vehicle park is an area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, foundations or any substantial change in the roof or in the exterior walls.

**Temporary Basis:** 29 or less days in the same location. 30+ days will be considered permanent basis.

#### **Section 10. - Single-family Residential. Modified**

G. Storage of any kind is prohibited on any vacant lot.

#### **Section 12. - Manufactured Housing**

2. Modular or industrialized housing units including Tiny Homes.

B. All required skirting material

~~DELETED~~

#### **Section 13. - Recreational Vehicle/Camper**

D. No permanent structures such as porches, awnings, sheds, fences

#### **Section 15. - Specific Use Permit**

The Planning Commission, Building Official or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

The Zoning Commission, Building Official and City Council shall consider the following criteria in determining the validity of the Specific Use Permit request:

C. No Specific Use Permit shall be granted unless the applicant, owner and grantee or [of] the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Zoning Commission, Building Official and City Council.

#### **Section 16. - Off-street Parking and Loading Requirements**

B. The street right-of-way between the paved roadway and the property line of adjacent property shall be available for parking of passenger cars and light trucks of not more than one ton carrying capacity where water meter not located.

#### **Section 18. - Accessory Building and Use Requirements**

A. An accessory building shall not be used for commercial purposes and shall not be rented in districts zoned other than C/R Commercial/Retail

#### **Section 19. - Landscape Requirements—Residential. Modified**

##### **19.2 Landscape Requirements**

A. The street right-of-way between the paved roadway and the property line of adjacent property shall be available for parking of passenger cars and light trucks of not more than one ton carrying capacity where water meter not located.

#### **Section 20. - Screening Fence and Wall Standards**

##### **20.4 General Requirements.**

A. No fence material

~~DELETED~~

##### **B. Construction in front yards.**

1. All fences constructed in the front yard of a residential property shall:

- a) Be no taller in height than sixty (60") inches as defined in Section 20.05, G, when opacity is fifty percent (50%) or greater.
- b) Be no taller in height than forty-eight (48") inches as defined in Section 20.05, G, when opacity is less than fifty (50%) percent.
- c) Not impede the vision triangle.





# **RECOMMENDED ORDINANCE UPDATES FOR CONSTRUCTION, HOUSING AND ZONING**

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## **CHAPTER 3 BUILDING REGULATIONS**

## ARTICLE 3.02. - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

### Sec. 3.02.002. - Building Official

~~The City Building Official will be the City Manager.~~ The City Building Official shall perform all the duties necessary for the processing of permit applications. The City Building Official has the duty to receive, review, approve, modify or reject all applications for the issuance by the City of building permits. No building permit shall be issued without the written approval of the Building Official. ~~The Building Official shall have the authority to grant variances on setback lines and side and rear lot lines.~~ The City Building Official may also perform the duties of City Building Inspector

***BO: Remove requirement for the City Manager to be the Building Official. The Building Official should not have the authority to allow variances of setback lines. This should be reviewed by P and Z.***

### Sec. 3.02.003. - Building Inspector

The City Building Inspector shall inspect all phases of construction as outlined in the building, electrical, plumbing and mechanical **and energy** codes to ensure compliance with the applicable rules and regulations as set forth by this Article.

***BO: Add "and energy" to the 1<sup>st</sup> sentence. The State of Texas requires that we enforce energy codes as well as the others stated.***

### Sec. 3.02.004. - Permit required

It shall be unlawful for any person to start construction on a new building, remodel or alter an existing building, place a storage building upon a home site, install a mobile home, install a septic or sewer system, install a swimming pool, install a fence, perform any electrical, plumbing or mechanical work on any structure, or demolish any structure, without first obtaining a permit for such work. **Refer to 2015 IRC 105.2 to reference what does not require a permit.**

***BO: We have the 2015 IRC adopted and R105.2 shows what does not require permits. We need to refer to the IRC language***

### Sec. 3.02.005. - Plans, specifications and surveyed plot plan required

The City Building Official shall require that his office be provided with the following:

(1) Plans and specifications to include the front, side and rear elevations, **foundation plan** and a detailed floor plan of the proposed structure.



- (2) A plot plan of the subdivision with the subject lot identified on the plot.
- (3) A survey showing the location of the proposed structure upon the lot in reference to all property boundaries, **setback and/or easements**.
- (4) A survey reflecting the approximate location of the septic system in relation to the proposed structure and the property lines.

**BO: Add “foundation plan” to (1) as all new home construction must have a State of Tx stamped plan. Also add “setback and/or easements” to (3). We need all the information on the survey we can get so we can make an informed decision.**

### **Sec. 3.02.006. - Permit procedures; stop work orders**

(c) *Approval of plans and specifications.* All plans and specifications must be approved by the City Building Official prior to the issuance of any permit required by this Article. ~~In addition, the County Fire Marshal must review and approve all commercial construction permits in the interest of fire safety and seating capacity.~~

**BO: Remove the last sentence requiring County Fire Marshal to review commercial plans. The Building Official should have the knowledge of fire safety and load requirements as shown in the 2015 IBC**

(f) *Expiration of permit.* All permits shall expire and be considered no longer valid 180 days after issuance. ~~unless construction work there under has actually started before the expiration of such period of time. In addition, construction must be completed within one year from the date of issuance of the building permit. The Building Official is authorized to waive these provisions if, in his opinion, the situation warrants such waiver.~~

**BO: This needs to be 180 days flat because it will be nearly impossible to determine when all projects in the city have started. The contractor/owner can ask for a one-time extension of 180 days without fee. The second and subsequent requests for extension will require fee and inspection.**

### **Sec. 3.02.007. - Permit fees**

#### **(1) New residential construction.**

- a. Includes single- and multiple-family residences.
- b. Square footage includes all under-roof construction. Multi-story structures shall be calculated as above for each occupied floor and the sum of all floor area shall be construed as the aggregate area.
- c. Fees to be paid by individual contractors upon application for a permit are as follows:

1. Building: \$0.06 per square foot (\$25.00 minimum).
2. Foundation: \$64.00 (each inspection).
3. Framing: \$40.00 (one phase inspection).
4. Insulation: \$40.00 (one phase inspection).
5. Wallboard: \$40.00 (one phase inspection).
6. Electrical: \$160.00 (four phase inspection).

**BO:** Add a wallboard inspection to new construction because we should be inspecting it per 2015 IRC.

**(2) New commercial construction.**

- a. Building: \$0.08 per square foot (minimum \$48.00).
- b. Foundation: \$64.00 (each inspection).
- c. Framing: \$40.00 (one phase inspection).
- d. Electrical: \$160.00 (four phase inspection).
- e. Plumbing: \$120.00 (three phase inspection).
- f. Mechanical: \$80.00 (two phase inspection).
- g. Wallboard: \$40.00 (one phase inspection).
- h. Sprinkler system: \$64.00 (one phase inspection).

**BO:** Add a wallboard inspection to new construction because we should be inspecting it per 2015 IBC

**(6) Residential/commercial remodel, renovation and alteration.**

- a. Residential.
  1. Building: \$0.06 per square foot (\$50.00 minimum).
  2. Foundation: \$64.00 (each inspection).
  3. Framing: \$40.00 (each phase inspection).
  4. Electrical: \$40.00 (each phase inspection).
  5. Plumbing: \$40.00 (each phase inspection).
  6. Mechanical: \$40.00 (each phase inspection).
  7. Wallboard: \$40.00 (one phase inspection).

8. Certificate of occupancy: \$40.00 (one phase inspection).

**BO: Add a wallboard inspection to new construction because we should be inspecting it per 2015 IRC/IBC**

**(7) Swimming pools.**

a. Flat rate fee for each swimming pool: ~~\$80.00~~ \$160.00

b. Includes a layout inspection, a rough-in inspection of the steel bonding, high/low voltage electrical, deck bonding and plumbing and then a final inspection of the electrical system and security fencing. pool barriers and the required window and door alarms that comply with ASTM f2090.

**BO: Change rate of swimming pools due to fact there must be so many inspections for a pool. The current price does not cover the required inspections. We should always conduct a layout inspection to verify the pool is in the correct location. Then when the shell is done, we check shell bonding with stingers and low voltage conduit along with verifying a water bond in the skimmer or at the equipment. We will also verify a halo bond is installed with deck bonding and any other metal parts within 5' of waters edge. Then the final requires fencing and alarms and verifying all pool equipment is bonded.**

**Sec. 3.02.008. - Certificate of occupancy; required inspections**

(b) *Required inspections.*

(1) Building:

a. Survey plan setback lines.

b. Foundation and steel.

c. Framing.

d. Insulation.

e. Wallboard

f. Masonry/fireplace.

g. Driveways and flatwork.

h. Final and certificate of occupancy.

(2) Electrical:

a. TBM (temporary building meter/pole).

b. Rough-in.

c. Conditional final.

d. Final.

e. Electrical service

(3) Plumbing/gas:

a. Rough-in

b. Top out (stack)

c. Final.

(4) Mechanical:

a. Mechanical rough-in.

b. Mechanical final.

(5) Energy final

(6) Miscellaneous inspections:

a. Accessory building.

b. Garage/carport additions (attached or detached).

c. Blasting.

d. Fence.

e. Swimming pools.

f. Other.

**BO:** Add “wallboard, electrical service and energy final inspections to the required inspections for new homes.

### **Sec. 3.02.012. - Sanitation facilities on construction sites**

Temporary sanitation facilities shall be required on all construction sites and shall not be placed on the public street.

**BO:** I have recently had issues with contractors placing port a johns on the street which is a risk for storm water drainage. They should all be on a controlled lot.

### **Sec. 3.02.015. - Swimming pool fencing**

(a) All outdoor swimming pools of a permanent or semi-permanent construction having a depth of more than 14 inches, whether constructed above or below the ground, shall be enclosed by a fence installed in accordance with ~~Appendix B, Section B105, of the~~

~~International One and Two Family Dwelling Code, 2000 edition.~~ At no time shall the fence be in conflict with or violation of existing ordinances setting out clearances around fire hydrants or clearances from street corners or ordinances touching upon sight clearances.

**BO: Replace verbiage with “ Ch. 3 Sec. 305 Barrier Requirements of the 2018 International Swimming Pool and Spa Code ISPSC per State of Texas”**

Aug 12, 2019 — Texas passed **HB 2858** to improve safety of pools and spas throughout the state.

### **Sec. 3.02.051. - Residential construction**

All design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City and providing for the issuance of permits and the collection of fees therefor; and each of all the regulations, provisions, conditions and terms of the International Residential **Code For One- and Two-Family Dwellings Code**, 2015 edition, International Energy Conservation Code, 2015, published by the International Code Council, on file in the office of the City, are hereby referred to, adopted and made part hereof as if fully set out in this Article, with amendments thereto.

**BO: Add “Code For” and remove “Code” at the end of the code title to be correct in our terminology.**

### **Sec. 3.02.052. - Commercial construction**

All design, construction, quality of material, erection, installation, alteration, repair, location, relocation, replacement, or addition to commercial property in the City and providing for the issuance of permits and the collection of fees therefor; and each of all the regulations, provisions, conditions and terms of the International Building Code, 2015 edition, **International Energy Conservation Code, 2015edition** published by the International Code Council, on file in the office of the City, are hereby referred to, adopted and made part hereof as if fully set out in this Article.

**BO: Add “International Energy Conservation Code, 2015 edition” to be in compliance with State**

### **Sec. 3.02.101. - Residential construction**

*Standards.* All plumbing work performed within the City limits must be in compliance with the ~~International One and Two Family Dwelling Code, 2015 edition.~~ **International Residential Code For One and Two-Family Dwellings, 2015 edition**

**BO: Make the above correction to have accurate title of publication**

### **Sec. 3.02.151. - Electrical code; permits**

(a) *Standards.* All electrical work performed within the City limits must be in compliance with the National Electrical Code, ~~2014 edition~~ 2023 edition per TDLR. The Building Inspector may authorize minor deviations from the code as long as the work is considered safe and durable and within the intent of the code.

(b) *Application for permit; bond.* All applications for electrical permits must be personally made by a licensed electrical contractor or licensed electrician ~~The City will accept electrical licenses that are current from any other City provided the appropriate surety bond has been posted with the Building Official.~~

**BO: Remove “2014 edition” and replace with “2023 edition per TDLR”. The State of Texas minimum requirement for electrical is the 2023 NEC.**

**The licenses for Electricians are state issued by TDLR. Remove language for city licensing. Makes it confusing.**

### **Sec. 3.02.201. - Residential construction**

(a) *Standards.* All mechanical work done within the City limits must be in compliance with the International Residential ~~Code For~~ One- and Two-Family Dwellings Code, 2015 edition. The Building Inspector may authorize minor deviations from the code as long as the work is safe, durable and within the intent of the code.

**BO: Make above change to reference correct document title.**

### **Sec. 3.02.251. - Residential construction**

(a) *Standards.* All gas work performed within the City limits must be in compliance with the International Residential ~~Code For~~ One- and Two-Family Dwelling Code, 2015 edition. The Building Inspector may authorize minor deviations from the code as long as the work is considered safe, durable and within the intent of the code.

**BO: Make above change to reference correct document title.**

### **Sec. 3.02.303. - On-site sewage facilities**

(a) *Generally.* Where the sanitary sewer is not available, septic systems ~~may~~ shall be installed as provided herein according to the plans and specifications as outlined below.

**BO: Remove “may” and add “shall”. There is no other option other than city sewer and OSSF**

### **Sec. 3.02.351. - One- and two-family dwelling code**

The City adopts the International Residential ~~Code For~~ One- and Two-Family Residential Building Code ~~Dwellings~~ with the following changes:

**BO: Make above change to reference correct document title**

~~(E) Page 89, R403.1.6, Foundation anchorage.~~

~~Delete: Shall extend a minimum of 7 inches into masonry or concrete.~~

~~Insert: 1/2" x 8" anchors shall extend a minimum of 6 inches into masonry or concrete and be placed within 12 inches of every exterior corner and plate end, and not more than 6 feet on center on all exterior plates.~~

**BO: Why. Delete deletion. This is less restrictive and there is an inch less of uplift protection.**

## ARTICLE 3.03. - HOUSING CODE

### Sec. 3.03.003. - Scope; designation of Building Official

~~(c) The City Manager is referred to in this Code as the "Building Official." The City Manager~~ Building Official ~~may delegate his responsibility to the City Building Inspector or other City employee as he deems appropriate.~~

**BO: Remove 1<sup>st</sup> sentence and the position City Manager in the second sentence and replace with Building Official**

### Sec. 3.03.004.- Penalty

Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine not to exceed \$1,000.00 in all cases arising under the ordinances of the City that govern fire safety, zoning and public health and sanitation, other than vegetation and litter violations, ~~and not to exceed \$200.00 in all other cases;~~ provided that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State. Each day or fractional part thereof any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

**BO: Remove "and not to exceed \$200.00 in all other cases" to keep simple. Litter violations are one of the smallest violations of housing code but is shown under \$1000 fine.**

**Sec. 3.03.031. - Created; membership; hearings.**

(a) There is hereby established in the City a board to be called the Housing Board of Adjustments and Appeals, hereinafter referred to within this Article as the Housing Board, which shall consist of five members. The members of the Housing Board shall be appointed by the City Council.

(b) Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years, and thereafter they shall be appointed for terms of four years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the Housing Board shall render any such member liable to immediate removal from office. Any member of the Housing Board may be removed at any time by a majority vote of the City Council for inefficiency, neglect of duty or malfeasance in office.

(c) Three members of the Housing Board shall constitute a quorum. In varying the application of any provision of this Article or in modifying an order of the Building Official, affirmative votes shall be required. No Housing Board member shall act in a case in which he has a personal interest.

(d) The ~~Building Official~~ City Secretary or designee shall act as Secretary to the Housing Board and shall make a record of all its proceedings.

(e) The Housing Board shall elect a chairman from among its members.

(f) The Housing Board shall establish rules and regulations for its own procedure and for the conduct of hearings not inconsistent with the provisions of this Article. The Housing Board shall meet at regular intervals to be determined by the Chairman, or, in any event, the Housing Board shall meet within ten days after a notice of appeal has been received.

***BO: Do we need to create a Housing Board or can City Council act as Board?***

***Suggest removing "Building Official" from (d) and replace with City Secretary or designee. The Building Official will be too busy presenting a housing case to the Board to be able to record the minutes of the meeting as well.***

**Sec. 3.03.061. - Duties of Building Official**

The Building Official, or his designate, is hereby charged with the duty of enforcing this housing code. For the purposes of the housing code, his designate may include the ~~Fire Marshal~~. Fire Chief, Police Chief or City Manager.



**BO:** *I was told we do not have an active Fire Marshal for MPR. Suggest removing Fire Marshal and replacing with Fire Chief, Police Chief or City Manager so we have someone that can perform the BO duties in his/her absence.*

### **Sec. 3.03.063. - Notice of violation—Service on owner**

(c) The notice shall state that, if such repair, reconstruction, alteration, removal or demolition is not voluntarily completed within the stated time as set forth in the notice, the ~~Housing~~ **Building** Official shall schedule the subject property for presentation to the Housing Board of Adjustments and Appeals for their review and decision. The owner and all others with legal interest in the property, as shown by deed records of the County, shall be notified of the date, time and place of the hearing of such case presentation.

**BO:** *Remove term "Housing" Official and replace with "Building" Official. Its better having a SPOC instead of a Building Official, Housing Official, Health Official, Code Official, etc.*

~~(3) By publication of such notice in a newspaper of general circulation not less than three times within a 15-day period. This form of notice shall only be used when notice as provided in subsections (1) and (2) above is unobtainable. By posting such notice on or at the property in question.~~

**BO:** *Remove all language in number 3 and add "By posting such notice on or at the property in question". The state of Texas says by registered mail alone it is considered delivered. Removing would save the city money.*

#### CHAPTER 214. MUNICIPAL REGULATION OF HOUSING AND OTHER STRUCTURES

(r) When a municipality mails a notice in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

### **Sec. 3.03.102. - Demolition of property**

~~(a) In all instances where the decision of the Building Official requires demolition of property and where, although notice of such order is sent, neither appeal from such order nor compliance with the terms of such order is had, the Building Official shall, after the date set out for the initiation of compliance with the order has passed, file an appeal for such person for the purpose of having such decision reviewed by the Housing Board. The appeal shall be filed in the name of the owner of the property ordered demolished and the Building Official shall notify the owner of such action and the time, date and place of the hearing.~~

~~(b) When the Building Official appeals a case in which demolition is required, he shall cause to be printed in a newspaper of the County a list of such buildings, which shall have a heading describing the hearing, the purpose thereof, and the date thereof and shall list~~

~~all buildings by street address, lot, block, and subdivision, and the owner's name as per tax records of the City.~~

***BO: Remove entire section of 3.03.102. Sec 3.03.101 has the Notice of Appeal procedures that are available to the violators. This is a lot of unnecessary work and cost to city and no other local cities offer this.***

Chapter 214 The Texas Housing Code does not specifically require a Building Official to file an appeal for a demolition order.

### **Sec. 3.03.103. - Conduct of hearing**

(a) Upon receipt of the notice of appeal, the Building Official shall give written notice to the owner, occupant, mortgagee, and/or all other persons having an interest in the building to appear before the Housing Board on the date specified in the notice to show cause why the order contained in the notice of the Building Official should not be complied with. Such written notice may be ~~served by any Police or Warrant Officer of the City or any other persons of good character or may be sent via the United States mail.~~

***BO: If sending by mail is sufficient then it makes sense to reduce cost by removing requirement for someone to physically serve the notice.***

### **Sec. 3.03.106. - Appeal to City Council**

(a) ~~The City Council shall review every case involving a decision of the Housing Board requiring demolition of property for the limited purpose of determining if there is substantial evidence to support the findings and decision of the Housing Board. The aggrieved party shall file with the City Secretary a written notice of appeal to the City Council within ten days after rendition of the decision of the Housing Board. If the aggrieved party shall fail or refuse to do so, then the Building Official shall file a notice of appeal for him.~~

***BO: Why have Council review every Demo order. They should review appeals received from the violators. They should have confidence in the expert witness of the Building Official and prior proceedings with the Housing Board.***

***Also, they have the opportunity to file an appeal themselves. The state does not require the Building Official to file the appeal for them as shown above***

### **Sec. 3.03.152. - Space and egress requirements**

(b) ~~Every dwelling shall contain at least 150 square feet of floor space plus 100 square feet of floor space for each occupant, the floor space to be calculated on the basis of total habitable room area~~

***BO: Remove all language in Sec 3.03.152 (b). This contradicts the requirements of Zoning Appendix B Table 10.1 Area Regulations. Minimum of any dwelling is 800 square feet***

(c) Floor area shall be calculated on the basis of habitable room area. ~~However, the closet area and hall area within the dwelling, where provided, may count for not more than ten percent of the required habitable floor area~~

***BO: Remove second sentence regarding closet and hall allowed as habitable space. Contradicts adopted 2015 IRC Ch. 2 Definitions, "Habitable Space". A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.***

## CHAPTER 6 HEALTH AND SANITATION

### ARTICLE 6.02. - ~~HEALTH OFFICER~~ BUILDING OFFICIAL

***BO: Remove "Health Officer" and replace with "Building Official" for consistency.***

#### **Sec. 6.02.001. - ~~Office created; appointment; term~~ Employment of Building Official**

~~There is hereby created the office of Health Officer, an executive office of the City. He shall be appointed by the City Council for a term of two years or until his successor is~~

~~appointed. The initial term shall begin upon passage of this Article and shall terminate June 1, 1985. Thereafter the term shall expire on June 1 in each odd-numbered year. The position of Building Official will be at-will employment with the city of MPR~~

***BO: Remove requirement for the Building Official to be appointed. The BO will be hired for employment by the City of MPR.***

#### **Sec. 6.02.002. – Duties**

It shall be the duty of the ~~Health Officer~~ Building Official to enforce all ordinances containing provisions for the protection of public health, and to make inspections of foodstuffs and of the premises used for storing or selling of provisions as may be provided by ordinance, and he shall perform such other duties and functions as may be required by statute or ordinance

***BO: Replace Health Officer with Building Official for consistency.***

#### **~~Sec. 6.02.003. – Enforcement of rules and orders of Board of Health~~**

~~The Health Officer shall enforce all the rules and orders of the Board of Health and shall attend the meetings of said board when requested to do so by the presiding officer.~~

***BO: MPR does not have an active Board of Health. Sec 6.02.002 describes duties of Building Official regarding enforcing adopted statutes or ordinances.***

#### **Sec. 6.02.004. - Reports and recommendations**

The ~~Health Officer~~ Building Official shall make such reports to the City Council as may be required. He shall also make recommendations for rulings, orders or ordinances respecting the public health whenever he is requested to do so, or whenever he deems it necessary or advisable.

***BO: Replace Health Officer with Building Official for consistency.***

#### **Sec. 6.04.002. – Enforcement**

(a) The ~~Chief of Police~~ Building Official is hereby designated and charged with enforcing the procedures for abating nuisances under this Article and shall hereinafter be referred to as the "~~Health Official~~" Building Official. The ~~Health Official~~ Building Official shall conduct administrative hearings as provided by this Article.

(b) The Police Department and its members are hereby authorized under the direction of the ~~Health Official~~ to administer the procedures under this Article, except that any authorized person may abate the nuisance.

(c) The ~~Health Official~~ Building Official, police officers, or an authorized designee of the ~~Health Official~~ Building Official may enter onto or into any private property for the purposes of enforcing this Article in both discovery and abatement if probable cause exists for such belief.

***BO: Remove the requirement of Health Official to be the Chief of Police. Also replace all instances of the position Health Official with Building Official for consistency.***

#### **Sec. 6.04.006. - Notice to abate**

(a) Whenever any public health nuisance exists on property or premises within the City limits in violation of [Section 6.04.004](#) of this Article, the ~~Health Official~~ Building Official shall provide ~~seven~~ 7 to 30 days depending on extent of violation, violators resources, etc. written notice to abate the public health nuisance to the owner or occupant of the property or premises.

(b) The notice to abate shall be sent by certified mail, return receipt requested, to the owner or occupant of any property or premises within the City limits on which the public health nuisance exists and a posting of such notice will be placed on or at the property in question.

***BO: Add a timeframe to abate a property instead of just setting a time limit across the board. Abatement is not limited to a small task. One property may need the front yard abated, but another property needs to abate 5 acres. You cannot abate 5 acres in 7 days reasonably.***

***Add posting an abatement notice at the property as I post all notices on the properties in question. It alleviates the question of reasonable service to the owner***

#### **Sec. 6.04.007. – Citations**

The ~~Health Official~~ Building Official or his designees are authorized to issue a citation to any person who violates the provisions of [Section 6.04.004](#) of this Article

***BO: Replace Health Official with Building Official for consistency.***

#### **Sec. 6.04.010. - Abatement of dangerous weeds without notice**

(4) An explanation that the property owner has a right to request an administrative hearing by filing a written request with the ~~Health Official~~ **Building Official** not later than the 30th day after the date of the abatement of the weeds

**BO: Replace Health Official with Building Official for consistency.**

**~~Sec. 6.04.011. – Administrative hearing on abatement of weeds.~~**

~~(a) The Health Official shall conduct an administrative hearing on the abatement of the weeds under this Article if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the Health Official a written request for a hearing.~~

~~(b) The hearing before the Health Official shall be conducted not later than the 20th day after the date a request for a hearing is filed.~~

~~(c) The property owner may testify or present any witnesses or written information relating to the City's abatement of the weeds.~~

~~(d) The City may assess expenses and create liens under this Section as it assesses expenses and creates liens under this Article~~

**BO: Remove all language of Sec. 6.04.011. We have not created this process. We will utilize the Municipal Court that is provided rather than creating more work for everyone that is just not needed.**

**Sec. 6.04.012. - Assessment of City's expenses; lien**

(b) To obtain a lien against the property, the ~~Health Official~~ **Building Official or City Secretary** shall file a statement of expenses with the County Clerk.

**BO: Remove "Health Official" and replace it with "Building Official or City Secretary".**

**Sec. 6.04.013. - Criminal penalty**

(a) Procedures for abatement and removal of a public health nuisance by the ~~Health Official~~ **Building Official** under this Article are independent and cumulative of criminal penalties provided herein.

**BO: Replace Health Official with Building Official for consistency.**

**Sec. 6.05.001. – Definitions**

**Exterior storage** means storage of goods or items such as household goods, tools, building materials or other items intended to be stored indoors.

**BO:** Add the definition exterior storage because a lot of time people are storing items outside that may not necessarily be litter, rubbish, refuse, etc. This allows Code Enforcement to address this common issue.

~~**Handbill, commercial** means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:~~

- ~~(1) Which advertises for sale any merchandise, product, commodity, or thing;~~
- ~~(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;~~
- ~~(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license where such license is or may be required by any law of this State or ordinance of this City; or~~
- ~~(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.~~

~~**Handbill, noncommercial** means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a commercial handbill or newspaper.~~

**BO:** Remove verbiage referring to Handbills. This is not a common practice anymore.

#### **Sec. 6.05.008. -- Throwing from vehicle**

~~No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City or upon private property.~~

**BO:** Remove Sec 6.05.008. This is not a housing violation, but rather a moving violation

#### **Sec. 6.05.009. -- Litter blown from or deposited by vehicle**

~~No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.~~

**BO: Remove Sec 6.05.009. This is not a housing violation, but rather a moving violation**

**~~Sec. 6.05.012. -- Distribution of handbills~~**

~~(a) *Depositing in public place.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City.~~

~~(b) *Placing under windshield wiper of vehicles.* No person shall throw or deposit any commercial or noncommercial handbill under the windshield wiper of any vehicle.~~

~~(c) *Depositing on uninhabited or vacant premises.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.~~

~~(d) *Distributing or depositing at posted premises.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice indicating in any manner that the occupants or owners of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.~~

~~(e) *Depositing at inhabited private premises.*~~

~~(1) *Generally.* In case of inhabited private premises which are not posted, any person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.~~

~~(2) *Exemption for mail and newspapers.* The provisions of this Section shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.~~

**BO: Remove verbiage referring to Handbills. This is not a common practice anymore**



## APPENDIX B. - ZONING ORDINANCE

### Section 3. – Definitions

~~**Approved Fence Materials:** materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chainlink and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay-resistant. The provisions of this Ordinance are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that any such alternative has been approved by the Building Official, or his designee. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Ordinance in quality, strength, effectiveness, fire resistance, durability, and safety.~~

**BO: Remove definition. HB 2439 removed the city's ability to regulate materials.**

~~**Building:** Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.~~

**BO: We need to use the definitions as shown in the IRC as much as possible for consistency.**

2015 IRC- Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto

~~**Carport:** Is defined as a detached structure that is open on all sides designed or used to shelter vehicles.~~

**BO: A carport can be attached to a structure and still be considered a carport. I suggest replacing this verbiage and replacing it with verbiage from IZC**

2015 IZC- A carport is a structure that is open on not less than 2 sides and has floor surfaces made of approved noncombustible material. Carports that are not open on two or more sides must comply with garage regulations.

**Certificate of Occupancy:** An official certificate issued by the City through the Building Official **for the approved use and occupancy** which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the

~~premises for which it is issued; may be referred to as an Occupancy Permit. that the structure complies substantially with the plans and specifications that have been submitted to, and approved by the City.~~

**BO:** *I suggest the additions to be more specific about what a C of O is*

**City Building Official:** ~~City Manager of the City of Morgan's Point Resort, Texas.~~ The City Building Official shall perform all the duties necessary for the processing of permit applications. The City Building Official has the duty to receive, review, approve, modify or reject all applications for the issuance by the City of Building permits. No building permit shall be issued without the written approval of the Building Official. ~~The Building Official shall have the authority to grant variances on setback lines and, side and rear lot lines.~~ The City Building Official may also perform the duties of City Building Inspector.

**BO:** *Remove the City Manager requirement for consistency. Also, the BO should not have the authority to grant variances. This is a P and Z task.*

**Recreational Vehicle (RV):** A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self propelled (motorized) ~~or tow behind~~. Also see heavy load vehicle. A recreational vehicle park is an area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.

**BO:** *Add "or tow behind" to include all Rv's. I also believe we should define temporary basis at this location, 29 days?*

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, ~~foundations~~ or any substantial change in the roof or in the exterior walls.

**BO:** *Add "foundations" to structural alterations*

**Temporary Basis:** 29 or less days in the same location. 30+ days will be considered permanent basis.

**BO:** *Add definition of temporary basis.*

## Section 10. - Single-family Residential. Modified

G. Storage of any kind is prohibited on any vacant lot ~~which is not adjacent to a main dwelling owned by the same owner.~~

**BO:** *There are problems with excessive outside storage. It creates an environment conducive to pests, etc.*

## Section 12. - Manufactured Housing

2. Modular or industrialized housing units ~~including Tiny Homes.~~

*BO: Tiny Homes seem to fit in this category and which are getting very popular.*

~~B. All required skirting shall be of a texture and color similar to the materials used in the construction of the manufactured home unit.~~

*BO: HB 2439 removed municipality ability to regulate appearance of materials*

### **Section 13. - Recreational Vehicle/Camper**

~~D. No permanent structures such as porches, awnings, sheds, fences~~

*BO: Add verbiage to deter adding permanent structures at RV spots.*

### **Section 15. - Specific Use Permit**

The Planning Commission, **Building Official** or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

*BO: Add "Building Official" because I should also be reviewing SUP's.*

The Zoning Commission, **Building Official** and City Council shall consider the following criteria in determining the validity of the Specific Use Permit request:

*BO: Add "Building Official" because I should also be reviewing SUP's.*

C. No Specific Use Permit shall be granted unless the applicant, owner and grantee or [of] the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Zoning Commission, **Building Official** and City Council.

*BO: Add "Building Official" because I should also be reviewing SUP's.*

### **Section 16. - Off-street Parking and Loading Requirements**

~~B. The street right-of-way between the paved roadway and the property line of adjacent property shall be available for parking of passenger cars and light trucks of not more than one ton carrying capacity.~~

*BO: Remove B due to water meter boxes are not traffic rated and Public Works need access to these ROW areas.*

### **Section 18. - Accessory Building and Use Requirements**

A. An accessory building shall not be used for commercial purposes and shall not be rented in districts zoned other than C/R Commercial/Retail ~~Single Family Residential (SFR), Multifamily Residential (MFR), or Manufactured Housing (MH).~~

*BO: Remove zones so theres no question with AG*

## Section 19. - Landscape Requirements—Residential. Modified

### 19.2 Landscape Requirements

A. The street right-of-way between the paved roadway and the property line of adjacent property shall be available for parking of passenger cars and light trucks of not more than one ton carrying capacity.

**BO: Remove A due to water meter boxes are not traffic rated and Public Works need access to these ROW areas.**

## Section 20. - Screening Fence and Wall Standards

### 20.4 General Requirements.

~~A. No fence material shall be used to construct a fence except for those listed and regulated in this Chapter or other City ordinances.~~

**BO: Remove A. HB 2439 removed municipality ability to regulate appearance of materials**

B. *Construction in front yards.*

1. All fences constructed in the front yard of a residential property shall:

a) Be no taller in height than sixty (60") inches as defined in Section 20.05, G, when opacity is fifty percent (50%) or greater.

b) Be no taller in height than forty-eight (48") inches as defined in Section 20.05, G, when opacity is less than fifty (50%) percent.

c) Not impede the vision triangle.

~~d) Not be constructed using chainlink.~~

**BO: Remove D. HB 2439 removed municipality ability to regulate appearance of materials**



## Temple, Texas

### Article 5 Use Standards

#### 5.5.4 Home Occupations

The following regulations apply to the conduct of home occupations in any zoning district.

##### A. General Standards

1. A home occupation must take place in the main structure only.
2. The use of a dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and must under no circumstances change the residential character of the dwelling.
3. Additional persons from outside the family living at the home may not be employed at the home occupation.
4. A sign advertising the home occupation is not permitted.

##### B. Prohibited Characteristics

A home occupation is not permitted that creates obnoxious noise, odor, increased traffic or generation of light or smoke.

##### C. Prohibited Uses

Notwithstanding compliance with subsection A above, prohibited home occupations include, but are not limited to the following uses:

1. Repair garage;
2. Beauty shop;
3. Barber shop; or
4. Sexually oriented business.

## City of Killeen, Texas

### **DIVISION 4. - DISTRICT "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT, Sec. 31-186. - Use regulations**

5.Home occupations are permitted accessory uses only so long as all the following conditions are observed:

- (i) No persons other than resident occupants of the premises shall be engaged in such occupation;
- (ii) The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that for purposes of a telephone directory listing, a telephone number, but no business address, may be published;
- (iii) In no way shall the outside appearance of the dwelling be altered from its residential character;
- (iv) Performance of the occupation activity shall not be visible from the street;
- (v) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, the use shall not increase the number of vehicles parked on the premises by more than two (2) additional vehicles at a time. All customer/client parking shall be off-street and other than in unpaved areas of the front yard;
- (vi) There shall be no outside storage, (to include trailers), or display related to the home occupation;
- (vii) No home occupation shall cause an increase in the use of any one (1) or more public utilities (water, sewer, electricity, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;
- (viii) One (1) commercial vehicle, capacity of one (1) ton or less (excluding attached trailers) may be used or parked on the property in connection with the home occupation;
- (ix) Except for articles produced on the premises, no stock in trade shall be displayed or sold on the premises;

(x) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and

(xi) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

6. Home occupations may, subject to the requirements of subsections 31-186(13)c.1—5, include, but are not necessarily limited to, the following:

(i) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;

(ii) Author, artist or sculptor;

(iii) Dressmaker, seamstress, or tailor;

(iv) Music/dance teacher, or similar school of instruction, provided that instruction shall be limited to no more than one (1) pupil at a time;

(v) Individual tutoring;

(vi) Millinery;

(vii) Minister, rabbi, priest or member of religious orders;

(viii) Home crafts such as rug weaving, model making;

(ix) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether said individual or individuals are self-employed or otherwise, and provided that no retail or wholesale transactions or provision of services are made on the premises;

(x) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items, provided the item does not have an internal combustion engine; and

(xi) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises.

7. Permitted home occupations shall not in any event be deemed to include:

(i) Animal hospitals or clinics, commercial stables, or commercial kennels;



(ii) Schools of instruction of any kind with more than one (1) pupil at a time unless such school was established prior to the date of passage of this section;

(iii) Restaurants;

(iv) Automobile, boat or trailer paint or repair shops (major or minor);

(v) Doctor, dentist, veterinarian or other medically related offices;

(vi) On-premises retail sales, except garage sales as otherwise provided in this Code;

(vii) Laundromats with more than one (1) washing machine and one (1) dryer;

(viii) Mortuaries;

(ix) Private clubs;

(x) Trailer rentals;

(xi) Repair shops or service establishments, except as provided in subsection 31-186(13)c.6.(x) above;

(xii) Carpentry work;

(xiii) Photo developing or photo studios;

(xiv) Upholstering;

(xv) Antique shops;

(xvi) Gift shops;

(xvii) Repair shops for any item with an internal combustion engine; and

(xviii) Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.

8. No conditional use permit as provided in section 31-456 of this chapter shall be issued for any home occupations prohibited by subsection 31-186(13)c.7. above.

9. The provisions of this section shall apply to all home occupations, regardless of the date of their creation/existence, unless specifically exempted by subsection 31-186(13)c.7.(viii), or temporarily exempted by subsection 31-186(13)c.8. above.

## City of Harker Heights

### **§ 155.084 HOME OCCUPATIONS. (8/17/09)**

(A) Definition. A HOME OCCUPATION is an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

(1) Persons conducting a home occupation are required to comply with, and are subject to, any other laws, rules and regulations affecting the occupation and the property.

(2) Home occupations are permitted incidental uses only so long as all the following conditions are observed:

(a) The Texas tax identification number must be provided with the application.

(b) A sign not larger than 324 square inches (e.g., 18 inches by 18 inches) affixed to the wall or door is permitted. The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that, for such purposes, a telephone number, but no business address, may be published.

(c) In no way shall the outside appearance of the dwelling be altered from its residential character;

(d) Performance of the occupation activity shall not be visible from the street (curtains or blinds may be used to accomplish this purpose);

(e) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, except as provided in division (g), there shall be no more than two additional cars parked on the premises or adjacent to it for non-residents, including clients and employees. Parking shall not be permitted in the front or side yards, unless paved according to city standards;

(f) There shall be no outside storage (to include trailers) or display related to the home occupation;

(g) One commercial vehicle, not for advertising, having a capacity of one ton or less (excluding attached trailers), may be used or parked on appropriate pavement on the property in connection with the home occupation;

(h) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and

(i) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

(B) Occupations included. Home occupations may include, but are not necessarily limited to, the following:

(1) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;

(2) Author, artist or sculptor, photographer;

(3) Dressmaker, seamstress or tailor;

(4) Music/dance teacher or other type of instruction;

(5) Individual tutoring;

(6) Home crafts such as rug weaving, model making;

(7) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether such individual or individuals are self-employed or otherwise; and provided that no retail or wholesale transactions or provision of services are made on the premises;

(8) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items; provided the item does not have an internal combustion engine;

(9) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises;

(10) Personal grooming with one customer at a time, by appointment only.

(C) Occupations not included. Permitted home occupations shall not in any event be deemed to include:

- (1) Animal hospitals or clinics, commercial stables or commercial kennels;
- (2) Restaurants;
- (3) Automobile, boat or trailer paint or repair shops (major or minor);
- (4) Doctor, dentist, veterinarian, sex therapy, massage therapy or other medically related offices;
- (5) On-premise retail sales, except garage sales as otherwise provided in this code;
- (6) Mortuaries;
- (7) Private clubs;
- (8) Trailer rentals;
- (9) Carpentry work;
- (10) Photo developing using chemicals;
- (11) Gift shops;
- (12) Repair shops for any item with an internal combustion engine; and
- (13) Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.

(D) Application of provisions. The provisions of this section shall apply to all home occupations, regardless of the date of inception, unless previously authorized in writing by the city.

(E) Home occupations not listed in this section.

- (1) Persons wishing to operate home occupations which are not expressly permitted or prohibited by this section may make written request to the Planning and Development Director for a formal review of the proposed home occupation.
- (2) The Planning and Development Director shall review the request to determine the appropriateness within the established general guidelines. If the Director makes a favorable determination, the request shall be forwarded to the Planning and Zoning Commission for hearing.

(3) The Planning and Zoning Commission shall, in accordance with applicable law, review all requests forwarded by the Director, and submit a final report and recommendation to the City Council.

(4) The City Council shall then, in accordance with applicable law, review and consider action on the request.

(5) Any person requesting a formal review to permit a particular use not otherwise permitted shall, at the time such request is submitted, pay a non-refundable fee established by the City Council.

(F) License revocation. Home occupations are subject to review by the city, should violations be reported or observed. Licenses shall be revoked for noncompliance.

## Village of Salado, Texas

### V. Development Standards & Use Regulations

#### Section 5.7: Home Occupation Regulations

**A. Purpose:** Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

**B. Special Provisions for Home Occupations:**

1. Home occupations shall be permitted as accessory use in single-family residential zoning districts provided that they comply with all restrictions herein;
2. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
3. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
4. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
5. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
6. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
7. One commercial vehicle, capacity of one ton or less, according to the manufacturer's classification, may be used, or parked behind the front building line on the property, in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;

8. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;

9. The home occupation use/activity shall take place primarily within the dwelling, and there shall be no outside storage, including trailers, or outside display related to the home occupation use;

10. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;

11. The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district;

12. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;

13. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio or visual means;

14. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made or assembled on-site, including arts and crafts items, handmade clothing; and,

15. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

**C. Applicability of Other Regulations:** Home occupations shall also be subject to any and all other provisions of local, State and Federal regulations and laws that govern such uses.

**D. Uses Allowed as Home Occupations:** Subject to the provisions of this Section 5.7, home occupations may include the following uses:

1. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
2. Author, artist or sculptor;
3. Dressmaker, seamstress or tailor;

4. Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;
5. Individual tutoring and home schooling;
6. Office facility of a minister, rabbi, priest or other clergyman;
7. Home crafts, such as rug weaving, model making, etc.;
8. Office facility of a salesman, sales or manufacturer's representative, provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
9. Repair shop for small electrical appliances, cameras, watches and clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
10. Food preparation establishments such as cake making, decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
11. Registered Family Homes, in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children or adults;
12. Barber shop or beauty salon or manicure studio, provided that no more than one customer is served at a time; and
13. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.

**E. Uses Prohibited as Home Occupations:** Home occupations shall not, in any event, be deemed to include the following uses:

1. Animal hospitals or clinics, commercial stables having more than 2 horses per acre or kennels;
2. Restaurants or on-premises food or beverage, including Private Clubs, consumption of any kind, except for limited food or meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
3. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
4. On-premises retail or wholesale sales of any kind where multiple customers patronize the sales business on-site, except for items that are



produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;

5. Commercial clothing laundering or cleaning;
6. Mortuaries or funeral homes;
7. Trailer, vehicle, tool or equipment rentals;
8. Repair shops for any items having internal combustion engines; and,
9. Any use that would be defined by the Building Code as an Assembly, Factory or Industrial, Hazardous, Institutional or Mercantile occupancy.

**F. Home Occupation Uses Not Classified Herein:** Any use that is not either expressly allowed nor expressly prohibited by Section 5.7.D and Section 5.7.E, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Board of Aldermen, subsequent to an affirmative recommendation by the Commission.

**G. Effect of Section 5.7 Upon Existing Home Occupations:**

1. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 2.1 provided that the owner or proprietor of such home occupation register his or her business with the Village within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

2. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the Village as described in Section 5.7.G.1 above.

# City of Nolanville, Texas

## DIVISION 9 Permitted Use Conditions

### § 615.8 Home-Based Business.

A home-based business shall be permitted as an accessory use to a dwelling unit, subject to compliance with the following conditions:

**(a)** A home-based business shall be permitted only when it is an accessory use to a detached single-family dwelling unit.

**(b)** A home-based business shall not involve any external structural alteration of the main building.

**(c)** A home-based business shall be conducted wholly within the main building, and not in any accessory building. The total floor area to be used for a home-based business shall not exceed twenty percent (20%) of the total floor area of the main building, including garages. Notwithstanding the above, instructional classes may be held outside of the main building, providing a maximum of six (6) students may be allowed in each session and other stipulations of this section are met.

**(d)** Only one (1) employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home-based business shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business.

**(e)** No outdoor storage of materials, goods, supplies or equipment shall be allowed.

**(f)** A home-based business shall not involve more than four (4) patrons on the premises at one time.

**(g)** Any outdoor activities associated with a home-based business shall be screened from the neighboring property by a solid fence of at least six (6) feet in height.

**(h)** A home-based business may include the sale of products on the premises, provided that compliance is maintained with all other conditions specified in this section.

**(i)** A home-based business shall produce no offensive noise, vibration, smoke, electrical interference, dim [sic] odors or heat in excess of those normally found in

residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

**(j)** A home-based business shall not include the physical or medical treatment of persons or animals, beauty shops, dance studios, carpenter shops, electrical shops, massage establishments, plumber shops, heating and air conditioning shops, radio shops, auto repairing or painting, furniture repairing, sign painting or similar activities.

**(k)** Off-street parking must be provided for and utilized by nonresident employee if applicable.

(Ordinance 6051-12 adopted 5/17/12)

## Ordinance Codes

### Home Occupation Definitions

#### 1. City of Temple TX Ordinance Code

##### **Sec. 11.2. Defined Terms**

**Home Occupation.** A home occupation is an occupation carried on in the home by a member of the occupant's family, secondary to the use of the dwelling for dwelling purposes.

#### 2. City of Harker Heights TX Ordinance Code

**§ 155.084 HOME OCCUPATIONS. (8/17/09) (A) Definition.** A HOME OCCUPATION is an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

#### 3. Village of Salado TX

**Home Occupation:** An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

#### 4. City of Killeen TX

##### **Sec. 31-186. - Use regulations**

**Definition.** A home occupation is an accessory use of a dwelling unit or garage for gainful employment, involving the provision of goods and/or services.

#### 5. City of Nolanville TX

##### **Article II Definitions: 201.1 Interpretation of words and terms.**

Home Occupation: an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; with the employment of no more than 1 person other than members of the immediate family; without the use of any lighting or display; without the use of other than domestic or household equipment or appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

## List of Questions for Developing a Section on Home Occupation within the MPR Ordinances

### General Definition and Scope

1. What qualifies as a home occupation?
2. What types of businesses are permitted or prohibited?
3. Are there different categories of home occupations (e.g., minor vs. major)?

### Permitting and Licensing

1. Is a permit required for home occupations?
2. What is the application process for obtaining a home occupation permit?
3. What fees, if any, are associated with the application?

### Size and Scale Limitations

1. What is the maximum square footage allowed for home occupation use?
2. Are there restrictions on the number of clients or customers that can visit the home?
3. What limitations exist on the number of employees working on-site?

### Impact on Neighborhood

1. What regulations are in place to limit noise, traffic, or parking issues?
2. How will the ordinance address potential nuisances to neighbors?
3. Are there guidelines for signage advertising the home occupation?

### Safety and Compliance

1. What health and safety regulations must be adhered to?
2. Are there zoning or building code requirements that must be met?
3. What insurance or liability coverage is required for home occupations?

### Duration and Renewal

1. Is there a time limit on how long a home occupation permit is valid?
2. What is the process for renewing or revoking a home occupation permit?

### Enforcement and Compliance

1. How will compliance with the home occupation ordinance be monitored?
2. What are the penalties for non-compliance?

3. Is there an appeal process for denied permits or violations?

### **Community Input and Feedback**

1. How will community input be gathered during the development of this ordinance?
2. Are there opportunities for public hearings or consultations?

### **Future Considerations**

1. How will changes in technology or work patterns (e.g., remote work) be accommodated?
2. Is there a need for periodic review or updates to the home occupation ordinance?