
MEETING NOTICE

The Ordinance Review Committee of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Tuesday, April 04, 2023 at 2:30 PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.

The public may watch this meeting live at the following link:

<https://zoom.us/j/92710806812?pwd=SnpFdFZwYjhtdW1wa1pFQ0loWTN0Zz09>

Meeting ID: 927 1080 6812; **Passcode:** 121474

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL TO ORDER

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Report by City Manager.

Report by City Secretary.

NEW BUSINESS

- [2.](#) Workshop to Discuss Revision of Chapter 95: - Health and Sanitation.
3. Discuss and Consider Taking Possible Action on the Revised Chapter 95.
- [4.](#) Workshop to Discuss Revision of §156.061 - Home Occupation Criteria.
5. Discuss and Consider Taking Possible Action on the Revised §156.061.
- [6.](#) Workshop to Discuss Revision of §156.065 - Personal Care Facilities.
7. Discuss and Consider Taking Possible Action on the Revised §156.065.
- [8.](#) Workshop to Discuss Revision of §156.080 - Business Use Requirements and Limitations.
9. Discuss and Consider Taking Possible Action on the Revised §156.061.

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **31st day of March, 2023 at 4:00PM**

By: 
Suzanne J. MacKenzie, City Secretary

ORIGINAL
TEXT

- **CHAPTER 95: - HEALTH AND SANITATION**

- **§ 95.01 - POPULAR NAME.**

This chapter shall be commonly referred to as the City's "Health and Sanitation Ordinance".

(Ord. 09-122, 6-10-2009)

- **§ 95.02 - PURPOSE.**

This chapter is adopted so the City Council may promote the public health, safety and general welfare within the City through the regulation of private sewage treatment facilities, stagnant filth, carrion, weeds, dangerous weeds and other unhealthy, unsanitary and unwholesome conditions in the City. By prohibiting the creation and maintenance of such nuisances, the City Council seeks to protect property values and prevent bodily injury, death and property damage within the City.

(Ord. 09-122, 6-10-2009)

- **§ 95.03 - DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "shall" and "will" are always mandatory.

Animal-Proof Container. A container with a secured lid constructed of material sufficiently strong to prevent domestic pets or other animals from tearing, opening or breaking.

Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

City. The City of Woodcreek, Texas.

City Council. The governing body of the City of Woodcreek, Texas.

Code Officer. The person or persons officially designated by the City to assist the City Council in implementing and enforcing this chapter. Such person may be a volunteer, member of the City Council, an employee of the City, a person contracted by the City or a person otherwise designated to serve in this capacity, and such assistance shall include, but is not limited to, investigating alleged violations of this chapter.

Dangerous Vegetation. Tall grass, leaves, stems, plants or some other natural material, living or dead, that creates little to no visibility for drivers, is unsightly or poses an immediate danger to the health, life or safety to any person or property.

Decorative/Ornamental Vegetation. Any plant, bush, shrub, grass or other type of vegetation, not defined as dangerous vegetation, which serves the function of providing aesthetic qualities to a landscaped area.

Fire Safety Buffer Zone. A green strip consisting of shrubs, plants or other type of vegetation that are low-lying, moist and drought resistant placed for the purpose of resisting fire ignition; may also include paved roadways, golf cart paths, maintenance roads and similar areas of non-combustible material.

Junk. Worn out, worthless and discarded material, including odds and ends, old iron or other metal, glass, paper, bottle or cans.

Litter. Refuse, rubbish, garbage, trash, objectionable, unsightly or unsanitary matter.

Long Term. In excess of time normally required to complete intended construction or utilization. In the absence of intended construction or utilization, a period in excess of 90 days.

Matter. That of which any physical object is composed.

Nuisance. Filth, carrion, stagnant water, rubbish, impure or unwholesome matter of any kind, unsightly or unsanitary matter of whatever nature.

Objectionable, Unsightly or Unsanitary Matter. Any matter, condition or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Open Storage. Storing, accumulating, keeping or displaying any unsightly item(s) or material(s) that is open to the public view, regardless of sheltering or covering, on public or private property for more than 24 hours. This includes, but is not limited to, junk, litter, objectionable, unsightly or unsanitary matter, refuse or rubbish.

Person. An individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.

Private Sewage Treatment Facility. Include, but are not limited to, sewers, privies, septic tanks and on-site sewage facilities.

Privy. A facility for the disposal of human excreta.

Refuse. Accumulation of worn out, used, broken, rejected or worthless materials.

Rubbish. Trash, garbage, debris, rubble, rocks, wrappings, unused fragments of building materials, tree trimmings, brush and other miscellaneous waste or rejected matter.

Septic Tank. A covered water-tight tank designed for sewage treatment.

(Ord. 09-122, 6-10-2009)

- **§ 95.04 - SANITATION REQUIREMENTS.**

A person who is an owner, tenant, resident, occupant or has supervision or control over any lot, tract or parcel of land, or a portion thereof, occupied or unoccupied, or is the owner, tenant, resident, occupant or has supervision or control over a building, establishment or structure, occupied or unoccupied, within the municipal boundaries of the City must:

(A) Fill, drain or regulate any hole or place which contains stagnant water, an unwholesome condition or any other condition that may produce disease;

(B) Keep the same free of filth, carrion, refuse, rubbish or other impure or unwholesome matter; and

(C) Build, make, fill, alter, repair, clean, disinfect, maintain and regulate on-site sewage facilities, sewers, private sewage systems and privies in accordance with the laws, regulations and requirements of the county and the state.

(Ord. 09-122, 6-10-2009)

State Law reference— Penalty, see [§ 95.99](#)

- **§ 95.05 - SANITATION RESTRICTIONS.**

(A) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property within the municipal boundaries of the City to permit the following:

(1) Long-term storage of construction material, fill material, excavated material, building supplies and construction equipment;

(2) An accumulation or piling of rocks or debris in an unnatural and/or unsightly manner, unrelated to landscaping or beautification of residential and commercial buildings or development;

(3) Open storage or accumulation of junk, inoperable appliances, broken furniture, useless waste or rejected matter;

(4) Allowing the growth of, or accumulation of, dangerous vegetation; and

(5) Storage or accumulation of any material or rubbish which the City Fire Marshal determines to be a fire hazard.

(B) Persons, when building on site, shall be responsible to ensure that:

(1) The site and surrounding areas are kept free from junk, refuse, rubbish and litter with no significant accumulation outside of a trash enclosure for more than four days;

(2) Any matter which may blow is secured at all times to prevent a nuisance to adjoining property owners or residents;

(3) Animal-proof containers are provided for discarded food, drink cans, unsightly or unsanitary matter of whatever nature; and

(4) A portable toilet is provided for the on-site workers.

(C) All exterior-stored household garbage must be stored in an animal-proof container.

(D) Containers used for exterior stored household garbage for weekly pickup shall not remain at curbside for longer than one day before and one day after the date of scheduled pickup.

(E) It shall be unlawful for any person to throw, dump, leave or deposit junk, rubbish, refuse, trash or garbage on any road, right-of-way, green belt, common area, park or other public or private property.

(F) It shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied residential lot to permit dangerous vegetation to grow to a height greater than six inches upon such property. It is an exception to this division (F) if the vegetation is classified as decorative grasses. In the event such dangerous vegetation reaches a height in excess of six inches, the City shall remove said vegetation at the owner's expense.

(G) All occupied or unoccupied businesses or facilities shall maintain a 35-foot fire safety buffer zone along the perimeter of said business or facility property. Any person, organization, business or non-profit corporation owning, claiming or having supervision or control of any occupied or unoccupied residential or commercial lot or combination of contiguous lots totaling more than one acre shall submit a plan, to the City Council for approval, for the creation and maintenance of a fire buffer zone on the property. Should there be any conflict between the submitted plan and any provision of a City ordinance, the more restrictive document shall govern.

(H) In addition to the provisions and restrictions set for above, it shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied property, as provided above, to permit dangerous vegetation to grow to a height that is determined by the City's Fire Marshal to be hazardous to the safety and welfare of the community.

(Ord. 09-122, 6-10-2009)

Cross reference— Penalty, see [§ 95.99](#)

• **§ 95.06 - INVESTIGATIONS AND NOTICE OF VIOLATIONS.**

(A) The Code Officer, on his or her own knowledge or on the basis of a complaint by a resident or property owner of the City, shall investigate alleged violations of this chapter.

(B) The Code Officer may enter upon any lot where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation outside a private residence.

(C) The Code Officer may enter and inspect a private residence where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation and to remove or direct removal of the same, if necessary, pursuant to Tex. Health and Safety Code § 161.011, upon receiving:

(1) Permission obtained from a lawful adult occupant of the residence; or

(2) An authorization to inspect the residence for a specific public health purpose by a magistrate or by an order of a court of competent jurisdiction on a showing of a probable violation of this chapter.

(D) If the Code Officer determines there is a violation of this chapter, the Officer shall give notice in writing to such persons violating the provisions of the chapter. The notice will inform the person that he or she has seven days from receipt of the notice to remedy the violation and, if this action is not taken, the City may, but is not obligated to:

(1) Authorize that the necessary work be done or improvements made; and/or

(2) Pay for the expenses incurred in having the work done or improvements made and bill the expenses to the property owner.

(E) The notice of a violation must be given to the owner personally in writing, either at the time of inspection by personal delivery, by posting the notice on or near the front door of each building, or by certified mail, addressed to the owner of the property at the owner's address as recorded in the County Central Appraisal District, as may be appropriate. If notice by personal service cannot be obtained, the Officer may give notice by:

- (1) Publication of the notice, at least once, in a newspaper of general circulation;
- (2) Posting the notice on or near the front door of each building on the property to which the violation relates; or
- (3) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(F) If such person fails or refuses to comply with the provisions of this chapter within seven days after the receipt of notice, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter.

(G) The City, in the notice of violation, may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, the City without notice may take action to remedy the violation.

(H) The City may abate, without notice, dangerous vegetation.

(I) If the City incurs expenses for the work done or improvements made, the City Council or its designee shall assess the expenses and create a lien, including possible foreclosure, against the property as follows.

(1) The Code Officer shall send a statement of expenses to the owner, requesting that payment be made to the City within 60 days after receipt of the statement of charges. The expenses to be charged shall include: the amount paid by the City for the work done or improvements made; the costs of inspection; the costs of providing notice; the costs of identifying and notifying the owner of the property; and any incidental expenses.

(2) If the person does not pay the expenses within 60 days after receiving a statement of charges, the Mayor, or his or her designee, shall file with the County Clerk a statement of expenses, stating the owner's name, if known, and the legal description of the property. When such statement is filed, the City shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. For such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, improvement or correction of the property. The lien is security for the expenses incurred by the City and interest accruing at the rate of 10 percent per year on the amount due from the date of payment by the City.

(Ord. 09-122, 6-10-2009)

- **§ 95.99 - PENALTY.**

(A) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provisions of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

(B) Any person violating any provision of this chapter shall be subject to a fine upon conviction in Municipal Court or another court of competent jurisdiction, of not more than \$2,000.00, and each day of violation of this chapter shall constitute a separate offense. An offense under this chapter is a misdemeanor.

(C) (1) A person does not commit an offense under this chapter unless he or she intentionally, knowingly, recklessly or with criminal negligence engages in conduct as the definition of the offense requires.

(2) Culpable mental states are classified according to relative degrees, from highest to lowest and as described as follows.

(a) *Intentional.* A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(b) *Knowing.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.

(c) *Reckless.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(d) *Criminal negligence.* A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(D) Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter, and to seek remedies as allowed by law, including, but not limited to, the following;

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter;
- (2) A civil penalty up to \$1,000.00 per day, with each day constituting a separate offense when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and
- (3) Other available relief.

(Ord. 09-122, 6-10-2009)

CHAPTER 95: HEALTH AND SANITATION

§ 95.01 POPULAR NAME.

This chapter shall be commonly referred to as the City's "Health and Sanitation Ordinance". (Ord. 09-122, 6-10-2009)

§ 95.02 PURPOSE.

This chapter is adopted so that the City Council may promote the public health, safety and general welfare within the City through the regulation of private sewage treatment facilities (Septic Systems). The City also promotes public health through regulation of stagnant water, filth, carrion, and dangerous weeds to prevent establishment of vermin, rodents, mosquitos and other pests that may spread disease, cause injury, or destroy property.

(Ord. 09-122, 6-10-2009)

§ 95.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "shall" and "will" are always mandatory.

Animal-Proof Container. A container with a secured lid constructed of material sufficiently strong to prevent domestic pets or other animals from tearing, opening or breaking.

Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, tangible personal property or property of any kind.

City. The City of Woodcreek, Texas.

City Council. The governing body of the City of Woodcreek, Texas.

Code Officer. The person or persons officially designated by the City to assist the City Council in implementing and enforcing this chapter. Such person may be a volunteer, member of the City Council, an employee of the City, a person contracted by the City or a person otherwise designated to serve in this capacity, and such assistance shall include, but is not limited to, investigating alleged violations of this chapter.

Dangerous Vegetation. Tall grass, leaves, stems, plants or some other natural material, living or dead, that creates little to no visibility for drivers, is unsightly or poses an immediate danger to the health, life or safety to any person or property.

Decorative/Ornamental Vegetation. Any plant, bush, shrub, grass or other type of vegetation, not defined as dangerous vegetation, which serves the function of providing aesthetic qualities to a landscaped area.

~~*Fire Safety Buffer Zone.* A green strip consisting of shrubs, plants or other type of vegetation that are low lying, moist and drought resistant placed for the purpose of resisting fire ignition; may also include paved roadways, golf cart paths, maintenance roads and similar areas of non-combustible material.~~

Junk. Worn out, worthless and discarded material, including odds and ends, old iron or other metal, glass, paper, bottle or cans.

Litter. Refuse, rubbish, garbage, trash, objectionable, unsightly or unsanitary matter.

Long Term. In excess of time normally required to complete intended construction or utilization. In the absence of intended construction or utilization, a period in excess of 90 days.

Matter. That of which any physical object is composed.

Nuisance. Filth, carrion, stagnant water, rubbish, ~~impure or unwholesome matter of any kind~~, unsightly or unsanitary matter of whatever nature ~~or a condition with the potential to cause or promote pathogens, infection or disease in any individual or the public in general.~~

Objectionable, Unsightly or Unsanitary Matter. Any matter, condition or object which is ~~or should be~~ objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Open Storage. Storing, accumulating, keeping or displaying any unsightly item(s) or material(s) that is open to the public view, regardless of sheltering or covering, on public or private property for more than 24 hours. This includes, but is not limited to, junk, litter, objectionable, unsightly or unsanitary matter, refuse or rubbish.

Person. An individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.

Private Sewage Treatment Facility. Include, but are not limited to, sewers, privies, septic tanks and on-site sewage facilities.

Privy. A facility for the disposal of human excreta.

Refuse. Accumulation of worn out, used, broken, rejected or worthless materials.

Rubbish. Trash, garbage, debris, rubble, rocks, wrappings, unused fragments of building materials, tree trimmings, brush and other miscellaneous waste or rejected matter.

Septic Tank. A covered water-tight tank designed for sewage treatment. (Ord.

09-122, 6-10-2009)

§ 95.04 SANITATION REQUIREMENTS.

A person who is an owner, tenant, resident, occupant or has supervision or control over any lot, tract or parcel of land, or a portion thereof, occupied or unoccupied, or is the owner, tenant, resident, occupant or has supervision or control over a building, establishment or structure, occupied or unoccupied, within the municipal boundaries of the City must:

- (A) Fill, drain or regulate any **location** or place which contains stagnant water, an unwholesome condition or any other condition that may produce disease;
- (B) Keep the same free of filth, carrion, refuse, rubbish or other impure or unwholesome matter; and
- (C) Build, make, fill, alter, repair, clean, disinfect, maintain and regulate on-site sewage facilities, sewers, private sewage systems (**Septic System**) and privies in accordance with the laws, regulations and requirements of the county and the state.

(Ord. 09-122, 6-10-2009)

State law reference(s)—Penalty, see § 95.99

§ 95.05 SANITATION RESTRICTIONS.

(A) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property within the municipal boundaries of the City to permit the following:

- (1) Long-term storage of construction material, fill material, excavated material, building supplies and construction equipment;
- (2) An accumulation or piling of rocks or debris in an unnatural and/or unsightly manner, unrelated to landscaping or beautification of residential and commercial buildings or development;
- (3) Open storage or accumulation of junk, inoperable appliances, broken furniture, useless waste or rejected matter;
- (4) Allowing the growth of, or accumulation of, dangerous vegetation; and
- (5) Storage or accumulation of any material or rubbish which the City Fire Marshal determines to be a fire hazard.
- (B) Persons, when building on site, shall be responsible to ensure that:
- (1) The site and surrounding areas are kept free from junk, refuse, rubbish and litter with no significant accumulation outside of a trash enclosure ~~for more than four days;~~
- (2) Any matter ~~which is within 100ft of the construction site is assumed to be from the site and must be disposed of daily.~~ ~~may blow is secured at all times to prevent a nuisance to adjoining property owners or residents;~~
- ~~(3) Animal proof containers are provided for discarded food, drink cans, unsightly or unsanitary matter of whatever nature; and~~
- ~~(4) A portable toilet is provided for the on-site workers.~~
- (C) All exterior-stored household garbage must be stored in an animal-proof container.
- (D) Containers used for exterior stored household garbage for weekly pickup shall not remain at curbside for longer than one day before and one day after the date of scheduled pickup.
- (E) It shall be unlawful for any person to throw, dump, leave or deposit junk, rubbish, refuse, trash or garbage on any road, right-of-way, green belt, common area, park or other public or private property.
- (F) It shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied residential lot to permit ~~dangerous~~ vegetation to grow to a height greater than ~~twelve (12) six~~ inches upon such property. ~~Grasses in parking areas should be maintained at six (6) inches or less for fire safety. It is an exception to this division (F) if the vegetation is classified as decorative grasses.~~ In the event such dangerous vegetation reaches a height in excess of ~~that permitted six inches~~, the City shall remove said vegetation at the owner's expense.
- ~~(G) All occupied or unoccupied businesses or facilities shall maintain a 35-foot fire safety buffer zone along the perimeter of said business or facility property. Any person, organization, business or non-profit corporation owning, claiming or having supervision or control of any occupied or unoccupied residential or commercial lot or combination of contiguous lots totaling more than one acre shall submit a plan, to the City Council for approval, for the creation and maintenance of a fire buffer zone on the property. Should there be any conflict between the submitted plan and any provision of a City ordinance, the more restrictive document shall govern.~~
- (G) In addition to the provisions and restrictions set for above, it shall be unlawful for any person owning, claiming, or having supervision or control of any occupied or unoccupied property, as provided above, to permit dangerous vegetation to grow to a height that is determined by the City's Fire Marshal to be hazardous to the safety and welfare of the community.

(Ord. 09-122, 6-10-2009)

Cross reference(s)—Penalty, see § 95.99

§ 95.06 INVESTIGATIONS AND NOTICE OF VIOLATIONS.

- (A) The Code Officer, on his or her own knowledge or on the basis of a complaint by a resident or property owner of the City, shall investigate alleged violations of this chapter.
- (B) The Code Officer may enter upon any lot where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation outside a private residence.
- (C) The Code Officer may enter and inspect a private residence where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation and to remove or direct removal of the same, if necessary, pursuant to Tex. Health and Safety Code § 161.011, upon receiving:
- (1) Permission obtained from a lawful adult occupant of the residence; or
 - (2) An authorization to inspect the residence for a specific public health purpose by a magistrate or by an order of a court of competent jurisdiction on a showing of a probable violation of this chapter.
- (D) If the Code Officer determines there is a violation of this chapter, the Officer shall give notice in writing to such persons violating the provisions of the chapter. The notice will inform the person that he or she has seven days from receipt of the notice to remedy the violation and, if this action is not taken, the City may, but is not obligated to:
- (1) Authorize that the necessary work be done or improvements made; and/or
 - (2) Pay for the expenses incurred in having the work done or improvements made and bill the expenses to the property owner.
- (E) The notice of a violation must be given to the owner personally in writing, either at the time of inspection by personal delivery, by posting the notice on or near the front door of each building, or by certified mail, addressed to the owner of the property at the owner's address as recorded in the County Central Appraisal District, as may be appropriate. If notice by personal service cannot be obtained, the Officer may give notice by:
- (1) Publication of the notice, at least once, in a newspaper of general circulation;
 - (2) Posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (3) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (F) If such person fails or refuses to comply with the provisions of this chapter within seven days after the receipt of notice, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter.
- (G) The City, in the notice of violation, may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, the City without notice may take action to remedy the violation.
- ~~(H) The City may abate, without notice, dangerous vegetation.~~
- (H) If the City incurs expenses for the work done or improvements made, the City Council or its designee shall assess the expenses and create a lien, including possible foreclosure, against the property as follows.

(1) The Code Officer shall send a statement of expenses to the owner, requesting that payment be made to the City within 60 days after receipt of the statement of charges. The expenses to be charged shall include: the amount paid by the City for the work done or improvements made; the costs of inspection; the costs of providing notice; the costs of identifying and notifying the owner of the property; and any incidental expenses.

(2) If the person does not pay the expenses within 60 days after receiving a statement of charges, the Mayor, or his or her designee, shall file with the County Clerk a statement of expenses, stating the owner's name, if known, and the legal description of the property. When such statement is filed, the City shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. For such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, improvement or correction of the property. The lien is security for the expenses incurred by the City and interest accruing at the rate of 10 percent per year on the amount due from the date of payment by the City.

(Ord. 09-122, 6-10-2009)

§ 95.99 PENALTY.

(A) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provisions of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

(B) Any person violating any provision of this chapter shall be subject to a fine upon conviction in Municipal Court or another court of competent jurisdiction, of not more than \$2,000.00, and each day of violation of this chapter shall constitute a separate offense. An offense under this chapter is a misdemeanor.

(C) (1) A person does not commit an offense under this chapter unless he or she intentionally, knowingly, recklessly or with criminal negligence engages in conduct as the definition of the offense requires.

(2) Culpable mental states are classified according to relative degrees, from highest to lowest and as described as follows.

(a) *Intentional.* A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(b) *Knowing.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.

(c) *Reckless.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(d) *Criminal negligence.* A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when

he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(D) Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter, and to seek remedies as allowed by law, including, but not limited to, the following;

(1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter;

(2) A civil penalty up to \$1,000.00 per day, with each day constituting a separate offense when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and

(3) Other available relief.

(Ord. 09-122, 6-10-2009)

QUESTION FOR COUNCIL: Can we include some wording that will BAN all privies in the City limits?

**ORIGINAL
TEXT**

- **§ 156.061 - HOME OCCUPATION CRITERIA.**

Home occupation must comply with all the following criteria.

- (A) The occupation shall produce no alteration or change in the character or exterior appearance of the principle building from that of a dwelling unit for human habitation.
- (B) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20 percent of the gross floor area of the dwelling unit.
- (C) The occupation use shall be carried on solely by a member(s) of the family residing on the premises.
- (D) The occupation shall not create additional vehicular traffic.
- (E) There shall be no storage of merchandise on the property (on the outside of buildings) connected with the business, except one vehicle used in the business. Merchandise may be stored within the vehicle. Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle is used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible.
- (F) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner.
- (G) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings.
- (H) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit.
- (I) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.
- (J) The occupation shall not consist of the following uses: industrial, utility, manufacturing, repairing, maintaining, fabrication, laboratory or other similar uses.
- (K) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the state, by the federal government, by the City or which would constitute a common-law nuisance.
- (L) The occupation shall not produce, nor result in, any external noise or vibration.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

Cross reference— Penalty, see [§ 156.999](#)

§ 156.061 HOME OCCUPATION CRITERIA.

Home occupation must comply with all the following criteria.

- (A) The occupation shall produce no alteration or change in the character or exterior appearance of the principle (or any other) building located on the property from that of a dwelling unit for human habitation.
- (B) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20 percent of the gross floor area of the dwelling unit.
- (C) The occupation use shall be carried on solely by a member(s) of the family residing on the premises.
- (D) The occupation shall not create additional vehicular traffic.
- (E) There shall be no storage of merchandise, equipment, or materials associated with the occupation on the property, (on the outside of buildings) connected with the business, except one vehicle used in the business. Merchandise may be stored within the vehicle. Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle is used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible.
- ~~(F) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner.~~
- ~~(G) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings.~~
- (H) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit.
- (I) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.
- (J) The occupation shall not consist of the following uses: industrial, utility, manufacturing, repairing, maintaining, fabrication, laboratory or other similar uses.
- (K) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the state, by the federal government, by the City or which would constitute a common-law nuisance.
- (L) The occupation shall not produce, nor result in, any external noise or vibration.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

Cross reference(s)—Penalty, see § 156.999

ORIGINAL
TEXT

- **§ 156.065 - PERSONAL CARE FACILITIES.**

(A) *General.* As the City's zoning regulations must comply with the Federal Fair Housing Act, being 42 U.S.C. §§ 3601 et seq., and state laws prohibiting discrimination of the handicapped and elderly, this section clarifies what the City, by law, must allow and addresses the federal and state restrictions in place.

(B) *Definition. Personal Care Facility* means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single-family zoning districts.

(1) This definition includes a community-based residential home operated by:

- (a) The Texas Health and Human Services Commission;
- (b) A community center operated under Tex. Health and Safety Code Ch. 534, which provides services to disabled persons;
- (c) A non-profit corporation; or
- (d) Any entity certified by the; Texas Health and Human Services Commission as a provider under the intermediate care facilities for the mentally retarded program.

(2) This definition includes homes for the handicapped as defined in 42 U.S.C. § 3602(h).

(C) *Mandated exceptions.* To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:

(1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements.

- (a) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes.
- (b) There shall be two parking spaces, plus one additional space for each three residents.
- (c) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room.
- (d) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty.
- (e) The structure and operations shall comply with the standards established by the Health and Human Services Commission as licensing standards for personal care facilities for a Type B facility.

(2) The home must meet all applicable state licensing requirements;

(3) A personal care facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours; and

(4) A personal care facility may not have more than 15 residents.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

HUMAN RESOURCES CODE

TITLE 8. RIGHTS AND RESPONSIBILITIES OF PERSONS WITH
DISABILITIES

CHAPTER 123. COMMUNITY HOMES FOR PERSONS WITH DISABILITIES

Sec. 123.001. SHORT TITLE. This chapter may be cited as the Community Homes for Persons With Disabilities Act.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.430, eff. April 2, 2015.

Sec. 123.002. DEFINITION. In this chapter, "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) an orthopedic, visual, speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) pre-senile dementia;
- (4) cerebral palsy;
- (5) epilepsy;
- (6) muscular dystrophy;
- (7) multiple sclerosis;
- (8) cancer;
- (9) heart disease;
- (10) diabetes;
- (11) an intellectual disability;
- (12) autism; or
- (13) mental illness.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.431, eff. April 2, 2015.

Sec. 123.003. ZONING AND RESTRICTION DISCRIMINATION AGAINST COMMUNITY HOMES PROHIBITED. (a) The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential.

(b) A restriction, reservation, exception, or other provision in an instrument created or amended on or after September 1, 1985, that relates to the transfer, sale, lease, or use of property may not prohibit the use of the property as a community home.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.004. QUALIFICATION AS COMMUNITY HOME. To qualify as a community home, an entity must comply with Sections [123.005](#) through [123.008](#) and be:

- (1) a community-based residential home operated by:
 - (A) the Department of Aging and Disability Services;
 - (B) a community center organized under Subchapter A, Chapter [534](#), Health and Safety Code, that provides services to persons with disabilities;
 - (C) an entity subject to the Texas Nonprofit Corporation Law as described by Section [1.008](#)(d), Business Organizations Code; or
 - (D) an entity certified by the Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program; or

(2) an assisted living facility licensed under Chapter [247](#), Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991. Amended by Acts 1997, 75th Leg., ch. 491, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 233, Sec. 6, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.432, eff. April 2, 2015.

Sec. 123.005. REQUIRED SERVICES. A community home shall provide the following services to persons with disabilities who reside in the home:

- (1) food and shelter;
- (2) personal guidance;
- (3) care;
- (4) habilitation services; and
- (5) supervision.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.006. LIMITATION ON NUMBER OF RESIDENTS. (a) Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.

(b) The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.007. LICENSING REQUIREMENTS. A community home must meet all applicable licensing requirements.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.008. LOCATION REQUIREMENT. A community home may not be established within one-half mile of an existing community home.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.009. LIMITATION ON NUMBER OF MOTOR VEHICLES. Except as otherwise provided by municipal ordinance, the residents of a community home may not keep for the use of the residents of the home, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.010. ENSURING SAFETY OF RESIDENTS. The Department of Aging and Disability Services shall make every reasonable effort to ensure the safety of residents of a community home operated by or under the regulatory jurisdiction of the department and the residents of a neighborhood that is affected by the location of the community home.

Added by Acts 1993, 73rd Leg., ch. 646, Sec. 14, eff. Aug. 30, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.433, eff. April 2, 2015.

**EDITED
VERSION**

§ 156.065 COMMUNITY HOMES FOR PERSONS WITH DISABILITIES.

- (A) ~~General.~~ As the City's zoning regulations must comply with the Community Homes for Persons With Disabilities Act of the State of Texas, ~~Federal Fair Housing Act, being 42 U.S.C. §§ 3601 et seq., and state laws prohibiting discrimination of the handicapped and elderly,~~ this section clarifies what the City, by law, must allow. ~~and addresses the federal and state restrictions in place.~~
- (B) Definition: In this chapter, "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:
- (1) an orthopedic, visual, speech, or hearing impairment;
 - (2) Alzheimer's disease;
 - (3) pre-senile dementia;
 - (4) cerebral palsy;
 - (5) epilepsy;
 - (6) muscular dystrophy;
 - (7) multiple sclerosis;
 - (8) cancer;
 - (9) heart disease;
 - (10) diabetes;
 - (11) an intellectual disability;
 - (12) autism; or
 - (13) mental illness.

(C) Definition. ~~Personal Care Facility~~ means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single family zoning districts.

A community home shall provide the following services to persons with disabilities who reside in the home:

- (1) food and shelter;
- (2) personal guidance;
- (3) care;
- (4) habilitation services; and
- (5) supervision.

To qualify as a community home, an entity must comply with Human Resources Code Sections 123.005 through 123.008 and be:

- (1) a community-based residential home operated by:
 - (A) the Department of Aging and Disability Services;
 - (B) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
 - (C) an entity subject to the Texas Nonprofit Corporation Law as described by Section 1.008 , Business HUMAN RESOURCES CODE Statute text rendered on: 9/1/2022 - 738 - Organizations Code; or
 - (D) an entity certified by the Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program; or
- (2) an assisted living facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

- ~~(1) This definition includes a community-based residential home operated by:~~
- ~~(a) The Texas Health and Human Services Commission;~~
 - ~~(b) A community center operated under Tex. Health and Safety Code Ch. 534, which provides services to disabled persons;~~
 - ~~(c) A non-profit corporation; or~~
 - ~~(d) Any entity certified by the Texas Health and Human Services Commission as a provider under the intermediate care facilities for the mentally retarded program.~~
- ~~(2) This definition includes homes for the handicapped as defined in 42 U.S.C. § 3602(h).~~
- ~~(C) Mandated exceptions. To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:~~
- ~~(1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements:~~
 - ~~(a) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes.~~
 - ~~(b) There shall be two parking spaces, plus one additional space for each three residents.~~
 - ~~(c) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room.~~
 - ~~(d) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty.~~
 - ~~(e) The structure and operations shall comply with the standards established by the Health and Human Services Commission as licensing standards for personal care facilities for a Type B facility.~~
- (D) (1) The home must meet all applicable state licensing requirements;
- ~~(3) A personal care facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours; and~~
- (2) Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.
- (3) The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
- ~~(4) A personal care facility may not have more than 15 residents.~~
- (E) A Community Home that meets the qualifications under Texas Human Resource Code Chapter 123 is a *use by right* that is authorized in any district zoned as Residential.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

ORIGINAL
TEXT

- **§ 156.080 - BUSINESS USE REQUIREMENTS AND LIMITATIONS.**

(A) The City is divided into six business districts. All districts permitting any business or commercial use require one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this chapter. The City's business districts allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.

(B) Permitted Neighborhood Office (NO) zoning includes:

(1) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors and the like or similar professional offices; and

(2) Accessory structures and uses to any of the foregoing permitted uses.

(C) Permitted Neighborhood Commercial (NC) zoning includes:

(1) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores; and

(2) Specifically prohibited are on-site vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, on-site manufacturing and fabrication, on-site dispensing of fuel and on-site dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.

(D) Special events: those uses permitted by City Council pursuant to [§ 156.082](#) of this chapter.

(E) Commercial lots bordering a residential zoning district shall be required to have a six-foot high privacy fence on all sides adjoining the residential zoning district.

(F) Parking: one hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

EDITED
VERSION

§ 156.080 BUSINESS USE REQUIREMENTS AND LIMITATIONS.

- (A) ~~The City is divided into six business districts.~~ Any Zone ~~all districts~~ permitting any business or commercial use requires one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this chapter. The City's business ~~zones districts~~ allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.
- (B) Permitted Neighborhood Office (NO) zoning includes:
 - (1) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors and the like or similar professional offices; and
 - (2) Accessory structures and uses to any of the foregoing permitted uses.
- (C) Permitted Neighborhood Commercial (NC) zoning includes:
 - (1) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores; and
 - (2) Specifically prohibited are on-site vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, on-site manufacturing and fabrication, on-site dispensing of fuel and on-site dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.
- (D) Special events: those uses permitted by City Council pursuant to § 156.082 of this chapter.
- (E) Commercial lots bordering a residential zoning district shall be required to have a six-foot high privacy fence on all sides adjoining the residential zoning district.
- (F) Parking: one hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

QUESTION TO COUNCIL: NO & NC Zones are not defined in Zoning?