
Sec. 144-5.5. Home occupation regulations.

~~5.5-1. 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.

~~5.5-2. Special provisions for home occupations.~~

- ~~(a) Home occupations shall be permitted as accessory use in all residential zoning districts provided that they comply with all restrictions herein;~~
- ~~(b) This subsection, 5.5-2(b), is suspended until authorized by a change in state or case law. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling;~~
- ~~(c) Performance of the occupation activity shall not be visible from the street;~~
- ~~(d) Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 30 percent 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 600 square feet);~~
- ~~(e) The occupation shall not employ more than one person who is not a member of the household in which the home occupation occurs;~~
- ~~(f) Not more than one business-related commercial vehicle shall be present at one time;~~
- ~~(g) The operation of such an occupation shall be between the hours of 8:00 a.m. and 9:00 p.m. for outdoor activities;~~
- ~~(h) One commercial vehicle, gross vehicle weight 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;~~
- ~~(i) 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 (more than twice per day) by large delivery trucks or vehicles with a rated capacity in excess of one and one half tons, according to the manufacturer's classification;~~
- ~~(j) 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;~~
- ~~(k) No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home office 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;~~
- ~~(l) The home occupation shall not generate noise, vibration, glare, fumes or odors, heat or electrical interference beyond what normally occurs within a residential district;~~
- ~~(m) The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;~~
- ~~(n) One non-illuminated identification sign that is physically attached to the exterior of the structure, with a sign area no larger than four square feet is permitted;~~
- ~~(o) The occupation shall not offer any commodity for sale on the premises.~~

~~5.5-3. *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.~~

~~5.5-4. *Uses allowed as home occupations.* Subject to the provisions of this division, home occupations may include the following uses:~~

- ~~(a) — Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;~~
- ~~(b) — Author, artist, artisan, or sculptor;~~
- ~~(c) — Dressmaker, seamstress or tailor;~~
- ~~(d) — Music or dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than five pupils at a time;~~
- ~~(e) — Individual tutoring;~~
- ~~(f) — Office facility of a minister, rabbi, priest or other cleric;~~
- ~~(g) — Home crafts, such as rug weaving, model making, etc.;~~
- ~~(h) — 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;~~
- ~~(i) — 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;~~
- ~~(j) — 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;~~
- ~~(k) — Family homes, in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children or adults;~~
- ~~(l) — Barber shop or beauty salon or manicure studio, provided that no more than one customer is served on the premises at any one time;~~
- ~~(m) — Swimming lessons and water safety instruction, provided that such instruction involves no more than two pupils at any one time;~~
- ~~(n) — Activity involving primarily a computer;~~
- ~~(o) — Contractor, provided that there shall be no outside storage of materials related to the operation of the business and any interior storage shall count toward the maximum area allowed in subsection 144-5.4(b)(3).~~
- ~~(p) — Such uses must be located in the dwelling used by the person who has the home occupation as his or her private residence.~~
- ~~(q) — Said incidental use shall never be permitted as a principal use but only as a secondary use when indispensably necessary to the enjoyment of the premises.~~

~~5.5-5. *Uses prohibited as home occupations.* Home occupations shall not, in any event, be deemed to include the following uses:~~

- ~~(a) — Animal hospitals or clinics, commercial stables having more than two horses per acre or kennels;~~

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- ~~(b) — 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;~~
 - ~~(c) — 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;~~
 - ~~(d) — 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 Code, and except for occasional garage sales (no more than two per calendar year and shall not be held within six months of each other);~~
 - ~~(e) — Commercial clothing laundering or cleaning;~~
 - ~~(f) — Mortuaries or funeral homes;~~
 - ~~(g) — Trailer, vehicle, tool or equipment rentals;~~
 - ~~(h) — Repair shops for any items having internal combustion engines; and~~
 - ~~(i) — Any use that would be defined by the building code as an assembly, factory or industrial, hazardous, institutional or mercantile occupancy.~~

~~5.5-6. Home occupation uses not classified herein. Any use that is not either expressly allowed nor expressly prohibited by this division is considered prohibited, unless and until such use is classified by amendment to this chapter by the city council, subsequent to an affirmative recommendation by the planning commission.~~

~~5.5-7. Effect of section 144 5.5 upon existing home occupations. Any home occupation that was legally in existence as of the effective date of this chapter and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, 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 Code may be required by the planning department.~~

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Sec. 144-5.5. No-Impact Home-Based Businesses

5.5-1. *Purpose.* to establish standards for No-Impact Home-Based Businesses consistent with Texas Local Government Code §229.902, as amended. These standards are intended to provide residents with the opportunity to operate lawful home-based businesses from their homes while preserving the residential character of neighborhoods and minimizing impacts on neighboring properties. This section is designed to promote the reasonable use and enjoyment of residential property, and support local business opportunities while protecting the public health, safety, and welfare through objective standards.

5.5-2. *Applicability*

- (a) A No-Impact Home-Based Business may operate as an accessory use to a lawful residential use, subject to the requirements of this section and all other applicable federal, state, and local laws.
- (b) A No-Impact Home-Based Business shall be operated by an owner or tenant of the dwelling where the business occurs.
- (c) Nothing in this section shall be construed to regulate a lawful No-Impact Home-Based Business except as expressly authorized by Texas Local Government Code §229.902, as amended. Nothing in this section relieves any person from complying with applicable federal, state, county, or local laws, regulations, permits, licenses, or registrations.
- (d) Nothing in this section shall be construed to authorize, regulate, or exempt a short-term rental use. Short-term rentals remain subject to Section 144-5.17 of this Code.
- (e) The City shall not require a zoning change, business registration, license, permit, approval, or fire sprinkler protection system solely because a lawful No-Impact Home-Based Business is operated from a residence, except as expressly authorized by Texas Local Government Code §229.902, as amended.
- (f) In the event of a conflict between this section and applicable state statute, state statute controls.

5.5-3. *Applicable Standards.*

- (a) A No-Impact Home-Based Business shall comply with the following standards:
 - (1) The total number of employees of the business, together with any clients, customers, patrons, or other persons receiving services at the property at any one time, shall not exceed the maximum occupancy allowed for the dwelling under applicable building and fire codes.
 - (2) The operation of the business shall not generate on-street parking or create a substantial increase in vehicular traffic within the surrounding residential area beyond that normally associated with residential use
 - (3) Business activities conducted on the property shall not be visible from a public street adjoining the property, except for signage or activities otherwise authorized by this Code.
 - (4) The operation of the business shall not substantially increase noise within the surrounding area and shall comply with Chapter 82-9 Noise Regulations.

5.5-4. *Uses Not Allowed as No-Impact Home-Based Businesses.*

- (a) The following uses shall not be allowed as No-Impact Home-Based Businesses to the extent authorized by applicable law:
 - (1) Uses that violate federal law or state statute.
 - (2) Sexually oriented businesses as defined by Texas Local Government Code §243.002.
 - (3) Businesses involving the manufacture, distribution, or sale of illegal controlled substances.

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- (4) Businesses involving the sale of alcoholic beverages where not authorized by applicable law.
 - (5) Structured sober living homes, to the extent authorized by Texas Local Government Code §229.902, as amended.
 - (6) Uses requiring occupancy classifications or operational characteristics that cannot lawfully occur within a residential dwelling under applicable building or fire codes.