

Home Occupations [New Section]

5.9.3.7 Home Occupations

The following standards are intended to permit residents to engage in home occupations and operate home-based businesses in a way that is compatible with residential uses and ensures that home occupations do not adversely affect the integrity of residential areas.

(1) All Home Occupations must be no-impact home-based businesses as defined in §229.902 of the Texas Local Government Code. A home occupation qualifies as a “no-impact home-based business” if it meets the following criteria:

- (a) It has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;
- (b) It does not generate on-street parking or a substantial increase in traffic through the area;
- (c) It operates in a manner in which none of its activities are visible from a street; and
- (d) It does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.

(2) A home occupation is considered an accessory use and must be secondary to the use of the property as a residential dwelling. A home occupation is subject to the conditions and restrictions listed below.

(3) All home occupations must comply with federal, state, and local laws, including the City’s adopted fire and building codes and all City regulations including regulations pertaining to:

- (a) Health and sanitation;
- (b) Transportation or traffic control;
- (c) Solid or hazardous waste; and
- (d) Pollution and noise control.

(4) Residential Compatibility

- (a) A home occupation must be compatible with the residential use of the property where the business is located. The Director will determine whether the home

occupation is compatible with the residential use of the property where the business is located based on the criteria for a “no-impact home-based business” in TLGC §229.902, as restated in (1) above.

(b) The following uses are determined by the City to not meet the criteria for a “no-impact home-based business” in TLGC §229.902, as restated in (1) above:

- i. Barber shops with more than one chair,
- ii. Beauty shops with more than one chair,
- iii. Dress shops,
- iv. Health studios,
- v. Restaurants,
- vi. Kennels or animal breeding,
- vii. Mechanic shops,
- viii. Small engine repair shops,
- ix. Assisted living facilities,
- x. Hospice facilities,
- xi. Group homes, and
- xii. Clinics, medical offices, hospitals and similar health care or medical uses that generate or require the disposal of medical or hazardous waste.

(c) The Development Services Director may determine whether a proposed home occupation falls within a prohibited use category based on the nature, scale, and operational characteristics of the proposed activity.

(5) Based on the criteria for a “no-impact home-based business” in TLGC §229.902, the following restrictions apply to home occupations:

- (a) There shall be no signs or other exterior visible evidence of a home occupation;
- (b) There shall be no visible storage of equipment or materials or vehicles that have more than two axles; and
- (c) All home occupations shall comply with the performance standards of Chapter 5 of this LDC.

(6) In accordance with TLGC §229.902, the City reserves the right to limit or prohibit the operation of a home-based business that:

- (a) Sells alcohol or illegal drugs;
- (b) Is a structured sober living home, group home, or assisted living facility; or
- (c) Is a sexually oriented business as defined by §243.002 of the Texas Local Government Code.

(7) Special Exceptions to Prohibited Home Occupations

(a) The Zoning Board of Adjustment (ZBA) may approve a Special Exception to allow a home occupation otherwise prohibited by this Section, provided the applicant demonstrates that the proposed use is appropriate for the property and compatible with surrounding properties.

(b) In considering a Special Exception, the ZBA must consider the following:

- i. The size of the property and its ability to accommodate the proposed home occupation;
- ii. The nature, scale, and intensity of the proposed business activities;
- iii. Potential impacts on surrounding properties, including noise, traffic, parking, odors, and other operational characteristics;
- iv. The location and character of surrounding development, including whether the property is located in a rural or agricultural setting; and
- v. Whether the proposed home occupation can operate without adversely affecting the residential character of the surrounding area.

(c) The ZBA may impose conditions on the approval to ensure compatibility with surrounding properties and minimize potential impacts.

(d) Approval of a Special Exception does not exempt the home occupation from applicable building, fire, health, or other City regulations.