

ORDINANCE NO. 100925-01

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING, ARTICLE I Sec. 38-104 – DEFINITIONS; ARTICLE IV. Sec. 38-405 – HOME OCCUPATION REGULATIONS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals, and general welfare of the residents of the City, and

WHEREAS, the City of La Vernia Code of Ordinances Chapter 38 which constitutes the City's Zoning Ordinance requires a property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission of the City of La Vernia have met and discussed amending the above-mentioned sections of the Zoning code; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia has recommended approval of the amendments to the Zoning Regulations discussed in this ordinance and the proposed amendments are uniform and conforms to the plan and design of the City of La Vernia's Zoning Ordinance; and

WHEREAS, the City Council of the City of La Vernia believes the amendments will comply with the standards and purpose of Subchapter Z Chapter 229, Texas Local Government Code, section 229.902.

WHEREAS, the City Council of the City of La Vernia believes the amendments will comply with the standards and purpose of the Zoning Ordinance and are in the best interests of the public safety and the general welfare of the residents of the City of La Vernia;

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

Section 1. Zoning Regulations Amended.

CHAPTER 38 ZONING, ARTICLE I Sec. 38-104 – DEFINITIONS; ARTICLE IV. Sec. 38-405 – HOME OCCUPATION REGULATIONS of the City of La Vernia's Code of Ordinances is hereby amended as reflected in the document attached hereto as **Exhibit "A"**.

Section 2. Severability

If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof, to any person or circumstance, is held invalid such holding shall not affect the

validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

**Section 3
Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

**Section 4.
Effective Date**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF OCTOBER 2025

Martin Poore, Mayor
City of La Vernia

ATTEST:

Madison Farrow, City Secretary
City of La Vernia

Legal:

Attachment A

Sec. 38-104 – DEFINITIONS

No impact home based business shall have the meaning assigned by the Texas Local Government code § 229.902 (3)

Sec. 38-405. Home occupation regulations.

(a) *Purpose and intent.* It is the purpose of this section to:

- (1) Protect residential areas from the adverse impact of activities associated with home occupations.

- (2) Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
 - (3) Establish criteria and development standards for home occupations conducted in dwelling units.
- (b) *Required conditions.*
- (1) The area set aside for home occupations shall not exceed 20 percent of the total floor area of such residence.
 - (2) No interior or exterior business sign shall be permitted.
 - (3) No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
 - (4) ~~Retail sales shall be prohibited on the premises except for the retail sales of products and goods produced and fabricated on the premises as a result of the home occupation.~~ Retail sales are permitted only if consistent with a no-impact home-based and do not create substantial increase in traffic or on-street parking.
 - (5) ~~Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.~~ Employees or contractors may be engaged at the residence so long as the number of persons on site does not exceed the residential occupancy limit and does not create a substantial increase in traffic.
 - (6) In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. and no later than 10:00 p.m.
 - (7) No more than one home occupation shall be permitted within any single dwelling unit.
 - (8) A home occupation shall be carried on wholly within the principal building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached, excluding paints and chemicals that may be used in the home occupation.
 - (9) There shall be no exterior indication of the home occupation or variation from the residential character of the principal building.
 - (10) There shall be no exterior storage of materials to be used in conjunction with a home occupation.
 - (11) A home occupation shall produce no offensive or obnoxious noise, vibration, smoke, electrical interferences, dust, odors, heat or other obnoxious conditions detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the city's code enforcement officer pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the board of adjustment within 30 days of the code enforcement officer's written determination.
 - (12) ~~A home occupation shall not create any increased traffic generation.~~ A home occupation shall not create a substantial increase in traffic or require on street parking.
 - (13) All home occupations may be subject to periodic inspections.
 - (14) ~~A home occupation shall not have any signage other than a nameplate not more than one square foot in area nor any display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, shall not have any commodity sold on the premises, shall~~

~~not employ any person other than a member of the immediate family residing on the premises nor shall there be any mechanical equipment used except of a type that is similar in character to that normally used for purely domestic or household purposes.~~

(c) *Permits.*

- (1) *Purpose.* To establish a method to allow the city to regulate and control nonresidential activities and maintain a record of the types and numbers of home occupations in the city.
- (2) ~~*Required.* Each resident within the city that has, or desires to establish an authorized home occupation, is required to have a home occupation permit.~~ Permits are not required for no impact home based businesses as defined by Texas Local Government code § 229.902 (3). Permits remain required for other home occupations not qualifying as no impact home based businesses.

(3) *Application.* The following provisions shall apply for a home occupation permit:

- a. Applicant shall apply to the administrative official for a home occupation permit.
- b. The administrative official or his designee may issue the permit if the home occupation meets all the requirements established in subsection (b) of this section.
- c. The decision of the administrative official or his designee may be appealed to the board of adjustment in accordance with article I of this chapter.
- d. The board of adjustment will be the final judgment on appeals which must be submitted to the board within 30 days of disapproval.
- e. Supporting documents:
 1. Signed statement. One type of supporting evidence that may be submitted to the board of adjustment for their consideration of an appeal is a signed statement by each property owner within 200 feet of the property on which the home occupation is to occur, stating that the property owner has no objection to the existence of the proposed home occupation. An example of such a statement is as follows:

"I (name) the property owner at (address) have been advised by (name of home occupation applicant) of the request to the city for a home occupation permit for the purpose of conducting (type of home occupation) and I have no objection to the home occupation permit being granted for the purpose reflected in this statement.

Signature of neighboring property owner and date"
 2. Statement from property owner. An applicant who is renting the property on which a home occupation permit is requested shall obtain a written statement from the owner of the property. The owner will state that he has no objection to the home occupation on the property.
 3. Persons with demonstrated physical handicaps. Persons with physical handicaps may be permitted special consideration. The applicant may request a waiver of a portion or all of one or more of the requirements for a home occupation.
 4. Granting of exception. It shall be the responsibility of the applicant to submit sufficient evidence to justify the granting of an exception to any of the requirements in subsection (b) of this section.
 5. Conditions applicable to home occupation permits.
 - (i) Validation. A home occupation remains valid for a period of two years.
 - (ii) Renewal. Permits shall be renewed every two years.

- (iii) Termination. When a home occupation is found in noncompliance with the requirements outlined in subsection (b) of this section, the permit will be terminated immediately.
- (iv) Renewal of terminated permits. The procedure for renewal of a terminated permit shall be the same as required for the issuance of a new permit under this chapter.