

ITEM# 2.4

Discussion and Action to Propose Amendment to Appendix A – Zoning, Article X, Section 1.56 – Conditional Use Permits

Several concerns have been voiced to the Planning Department staff in regards to the following:

- Signage for Home Occupations, applicants feel they should be allowed a bigger sign like a 4’x4’
- Percentage and notice requirement on waiver of provisions, applicants feel that percentage and notice requirement is too much. Staff should consider maybe 50% and a 200’ radius.

Our current ordinance reads as follows:

Section 1.56. Conditions of conditional use.

1. Home occupations:

- a. The area used in conducting the home occupation will be clearly secondary to the residential use. Such permitted occupation shall not create offensive noise, vibration, smoke, dust, odor, heat or glare or require more than four parking spaces.
- b. **There shall be no sign. A nameplate not more than one square foot in area identifying the name of the owner and his title or occupation may be permitted when attached to the main building.**
- c. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling.
- d. There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.
- e. There shall be no outside storage of materials or products.
- f. The permitted use shall not create frequent or heavy traffic greater than ten percent of the average load per hour, per street.
- g. The planning and zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent basis to the city council who shall have the ultimate authority on the matter. With regard to proposed variances to subsections 1.56.1(a), (d) and/or (f), a minimum of 90 percent of the property owners within 500 feet mailout radius shall provide written support for the proposed home occupation to request variance. Should the 90 percent threshold not be provided, no variance shall be considered.

In an effort to address the concerns voiced to staff, staff did a comparison with the surrounding cities to see what they allow:

<u>City</u>	<u>Sign</u>	<u>Waiver to Provisions</u>
Mission	Nameplate not to exceed one square foot in area containing name and occupation	Yes, 90% property owners within a 500 feet mailout radius
McAllen	Nameplate not larger than two square foot except in R-1 zones	No waivers
Edinburg	Shall not exceed one foot in size	No waivers
Pharr	Sign not more than 18” x 24” name and occupation	No waivers
San Juan	Nameplate not to exceed one square foot in area containing name and occupation	No waivers
Weslaco	1.5 feet x 1.5 feet	No waivers

Staff would like the Board’s input on the following suggestions:

- Amend the code to allow a sign affixed to the building
- Sign not greater than 2’ x 2’
- Reduce the radius on the waiver to provisions to 200’ instead of required 500’