

## **Sec. 110-161. Customary Home Occupations; Zoning Ordinance Exhibit**

(a) [Definitions.]

Community home means a personal care facility licensed under V.T.C.A., Health and Safety Code ch. 247, provided that the exterior structure retains compatibility with the surrounding residential dwellings. No more than six (6) persons with disabilities can reside in a community home and the principal resident / owner must reside in the home. The aforementioned is subject to reasonable building occupancy limits as may be required of the building official and / or fire marshal. A community home may not keep, 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.

Customary home occupation means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use.

Person with a disability means a person whose ability to care for himself, 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) Muscular dystrophy;
- (6) Multiple sclerosis;
- (7) Epilepsy;
- (8) Cancer;
- (9) Heart disease;
- (10) Diabetes;
- (11) Mental retardation;
- (12) Autism; or
- (13) Emotional illness.

Daycare facility means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty - four (24) hours a day.

Kennel means any lot, building, structure, enclosure, or premises where animals are kept wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

Service representative means an occupation whereby a service is provided. Service representative includes but is not limited to electrician, plumber, interior decorator, accountant, air conditioning repair, small appliance repair, janitorial service, pool service, lawn and landscape service, real estate appraiser and similar occupation.

(b) Customary home occupations may be conducted in the home within the limits of the following:

- (1) Uses permitted Customary home occupations include home office for a salesman, sales, or service representative, manufacturer representative, studio of an artist, musician, music teacher, photographer, writer, tailor, architect, dressmaker, launderer, registered family homes, agency homes, community home for the disabled, daycare facilities for twelve (12) or fewer persons,

caterers licensed by the city or other similar occupations.

(2) Uses not permitted. Uses not considered customary home occupations include, but are not limited to, barbershops, beauty parlors, animal hospitals, kennels, carpenter shops, electrical shops, plumbing shops, radio shops, tin shops, auto repair, auto paint and body repair shops, furniture repairing shops, clinics, doctor offices, hospitals, real estate offices, insurance agent offices, health studios, palm readers, day care centers or day care facilities which care for more than twelve (12) persons, taxi and limousine services, garage / yard sales (except that as many as two (2) garage / yard sales may be held per year), major appliance repair shops, dance studios, or other similar occupations.

(3) Use restrictions. In addition to the requirements of the appropriate section of this chapter, a home occupation shall comply with the following restrictions.

- a. No home occupation shall cause, by reason of its existence, a significant increase in the number of vehicles traveling to and from the home or on the public streets surrounding or abutting the home, nor shall the home occupation receive regular deliveries from delivery trucks.
- b. A home occupation shall in no way destroy, restrict or interfere with the primary use of the home as a place of residence.
- c. No stock in trade shall be displayed or sold on the premises except that which is custom made to order.
- d. The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, and in no event shall such use be visible from any other residential structure or public way.
- e. There shall be no outdoor storage of equipment or material used in the home occupation.
- f. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance outside the residential or accessory structure shall be used.
- g. No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.
- h. No person other than members of the family residing on the premises shall be engaged in the home occupation unless required by licensing requirements or where such engagement is occasional and incidental to the occupation.

(4) Advertising. No sign advertising the home occupation shall be allowed on or off the premises.

(5) Preexisting day care facilities. Day care facilities operating prior to June 1, 1992, which are permitted for more than twelve (12) persons, may continue to exist or operate, provided that such facilities do not modify the terms and conditions of their current license with regard to owner and number of clients.

(6) Penalty. Any person who violates this section shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each violation for each day that the violation continues. State law reference -- Industrial homework, V.T.C.A. Health and Safety Code § 143.001