



City of La Vernia  
**PLANNING & ZONING COMMISSION MEETING**  
102 E. Chihuahua St., La Vernia, Texas 78121  
April 18, 2023  
6:30 PM

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## AGENDA

1. **Call to Order**
2. **Invocation, Pledge of Allegiance and Texas Pledge**
3. **Citizens to Be Heard**  
*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no council action may take place and no council discussion or response is required of the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.)*
4. **Consent Agenda**  
*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
  - A. Approve Minutes From The 03-07-23 Regular Planning and Zoning Meeting
5. **Public Hearing**
  - A. Public hearing regarding the request for Change of Zoning District Classification from existing zoning of C-2 General Commercial to requested Zoning of PDD Planned Development District/ C-1 Retail/ R-2 General Residence regarding the location specifically known as City of La Vernia, Lot 101B, Acres 46.6996, 15010 US Hwy 87 W, La Vernia, Texas 78121 currently owned by Bonnie Chessher, requesting in partnership with NP Homes
    - A.1 Open Public Hearing
    - A.2 Requestor Presentation
    - A.3 Staff Presentation
    - A.4 Recieve Public Comments
    - A.5 Close Public Hearing
    - A.6 Discuss and consider a recommendation to the City Council regarding Ordinance No. 042023-01 the re-zone/ PDD of the location specifically known as City of La Vernia, Lot 101B, Acres 46.6996, 15010 US Hwy 87 W, La Vernia, Texas 78121
6. **Discussion & Action**
  - A. Discuss the state of Ch 38 of the La Vernia Code of Ordinances regarding Home Occupancy Permits and if there are any changes the board would like to see made in the future

7. **Items Specific to Future Line Items on the Agenda**

8. **Adjourn**

**DECORUM REQUIRED**

*Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.*

*The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.*

*The City of La Vernia Council meetings are available to all persons regardless of disability. The facility is wheelchair-accessible parking spaces are available. Should you require special assistance, requests for accommodations must be made 48 hours before this meeting. Braille is not available. Please get in touch with the City Secretary at (830) 779-4541 or email [Lboyd@lavernia-tx.gov](mailto:Lboyd@lavernia-tx.gov).*

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **April- 14th, 2023 at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of the said meeting.

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Lindsey Wheeler, City Secretary



**PLANNING & ZONING COMMISSION MEETING**

102 E. Chihuahua St., La Vernia, Texas 78121

March 07, 2023

6:30 PM

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**MINUTES**

**1. Call to Order**

The meeting was called to order at 6:35 pm

Commissioner Witherell and Chairwoman Hennete were absent

**2. Invocation, Pledge of Allegiance and Texas Pledge**

Invocation and pledge led by Commissioner Tanneberger

**3. Citizens to Be Heard**

*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention on the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.)*

No citizens to be heard

**4. Consent Agenda**

*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*

A. Minutes from 02-07-23 regular planning and Zoning Meeting

MOTION: Commissioner Jacobs made a motion to accept the consent agenda as presented, seconded by Commissioner Rauchuber, all in favor

**5. Public Hearing**

A. Public hearing regarding the request for A Special Use Permit (SUP) to allow for a drive-thru in the C-1 zoning district regarding the space specifically known as 427 Bluebonnet Rd, LA VERNIA, TEXAS 78121 legally known as CITY OF LA VERNIA, LOT 441K, ACRES 7.59 BLUEBONNET RD LA VERNIA, TX 78121, and more specifically described as RBFCU ETM, which will occupy only a portion of this parcel as described in the attachment

**A.1** Open Public Hearing

**A.2** Requestor presentation

**A.3 Staff presentation**

**A.4 Receive Public Comments**

**A.5 Close Public Hearing**

**A.6 Discuss and consider action regarding recommendation to City Council regarding Ordinance Number 030923-01 the SUP for RBFCU ETM**

**A.1 Open Public Hearing**

The hearing opened at 6:38 pm

**A.2 Requestor presentation**

Jeanine S, developer of the Woodbridge mixed-use development presented

**A.3 Staff presentation**

No staff presentation

**A.4 Receive Public Comments**

No public comments

**A.5 Close Public Hearing**

The public hearing closed at 6:40 pm

**A.6 Discuss and consider action regarding recommendation to City Council regarding Ordinance Number 030923-01 the SUP for RBFCU ETM**

MOTION: Commissioner Jacobs made a motion to issue a positive recommendation to the City Council regarding Ordinance Number 030923-01 the SUP for RBFCU ETM , seconded by Commissioner Rauchuber, all in favor

- B. Public hearing regarding the request for CHANGE OF ZONING DISTRICT CLASSIFICATION FROM THE PRESENT CLASSIFICATION OF C2 TO C1 (RETAIL) regarding the space specifically known as CITY OF LA VERNIA, **15010 US HWY 87 W, LA VERNIA, TEXAS 78121** LEGALY KNOW AS **CITY OF LA VERNIA, LOT 101B, ACRES 46.6996**, LA VERNIA, TEXAS, currently owned by Bonnie Chessher

**B.1 Open Public Hearing**

**B.2 Requestor presentation**

**B.3 Staff presentation**

**B.4 Receive Public Comments**

**B.5 Close Public Hearing**

**B.6 Discuss and consider action regarding a recommendation to City Council regarding Ordinance Number 030923-02 the Rezone of **5010 US HWY 87 W, LA VERNIA, TEXAS 78121****

**B.1 Open Public Hearing**

The public hearing opened at 6:41 pm

**B.2 Requestor presentation**

AJ Murphy spoke representing NP Homes

**B.3 Staff presentation**

No staff presentation

**B.4 Receive Public Comments**

No public comments

**B.5 Close Public Hearing**

The public hearing closed at 6:48 pm

**B.6** Discuss and consider action regarding a recommendation to City Council regarding Ordinance Number 030923-02 the Rezone of **5010 US HWY 87 W, LA VERNIA, TEXAS 78121**

MOTION: Commissioner Jacobs made a motion to issue a negative recommendation to the City Council regarding Ordinance Number 030923-02 the Rezone of **5010 US HWY 87 W, LA VERNIA, TEXAS 78121**, seconded by Commissioner Rauchuber, all in favor

**6. Discussion & Action**

A. Discuss and consider action on making a recommendation to the City Council regarding Ordinance No. 030923-03 for pre-development meetings prior to the development of subdivisions or large commercial projects

MOTION: Commissioner Jacobs made a motion to issue a positive recommendation to the City Council regarding Ordinance No. 030923-03 for pre-development meetings prior to the development of subdivisions or large commercial projects, seconded by Commissioner Rauchuber, all in favor

**7. Items Specific to Future Line Items on the Agenda**

None mentioned

**8. Adjourn**

MOTION: Commissioner Raushuber made a motion to adjourn the meeting at 6:57 pm, seconded by Commissioner Jacobs, all in favor

**DECORUM REQUIRED**

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I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards of

the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on March 3, **2023, at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of the said meeting.

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Lindsey Wheeler, City Secretary

**ORDINANCE NO. 042023-01**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 46.7 ACRES OF LAND FROM C-2 GENERAL COMMERCIAL TO PDD PLANNED DEVELOPMENT DISTRICT**

**WHEREAS**, an application to rezone approximately 46.7 acres of land generally located on US Hwy 87 W being 46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and also being the residual of that certain 52.404 acre tract described in Volume 985, Page 738 of the Official Public Records of Wilson County, Texas, and more specifically described in the Exhibit A and Exhibit B attached herein, the " Property ") has been filed with the City; and

**WHEREAS**, the City's Code of Ordinances Section 38-1-8. provides for certain criteria ("the Criteria") to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change; and

**WHEREAS**, on April 18, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation of approval of the rezoning according to the development standards ("Development Standards") set forth in Exhibit C attached herein; and

**WHEREAS**, on April 20, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS: THAT:**

**Section 1.** The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Planned Development District (PDD) and shall develop in accordance with the conceptual plan and development standards set forth in Exhibit B and Exhibit C attached herein.

**Section 2.** The Official Zoning Map of the City of La Vernia, described and referred to in Section 38-203. of the La Vernia Code of Ordinance, shall be revised to reflect the above amendment.

**Section 3.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section 4.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section 5.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 6.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose or said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government code as amended.

**Section 7.** This Ordinance will take effect upon its adoption by the City Council

**PASSED, APPROVED, AND ADOPTED THIS 20<sup>TH</sup> DAY OF APRIL 2023.**

\_\_\_\_\_  
Martin Poore, Mayor  
City of La Vernia

**ATTEST:**

\_\_\_\_\_  
Lindsey Wheeler, City Secretary  
City of La Vernia



## Exhibit A - "The Property"

**LEGAL DESCRIPTION:** Being 46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and also being the residual of that certain 52.404 acre tract described in Volume 985, Page 738 of the Official Public Records of Wilson County, Texas; Said 46.66 acre tract being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in November, 2022:

**BEGINNING** at a 1/2 inch iron rod found in the north line of U.S. Highway No. 87 for the southeast corner of that certain 7.776 acre tract described in Volume 1035, Page 224 of said Official Public Records and the southwest corner hereof;

**THENCE** North 07°51'02" East a distance of 573.13 feet along the east line of said 7.776 acre tract to a 1/2 inch iron rod found for the southwest corner of that certain 86.338 acre tract described in Volume 1567, Page 402 of said Official Public Records and the northwest corner hereof;

**THENCE** along the common lines of said 86.338 acre tract, the following 2 courses:

1. North 81°48'24" East a distance of 1504.70 feet to a 1/2 inch iron rod found for an interior corner hereof;
2. North 40°19'07" East a distance of 475.57 feet to a 1/2 inch iron rod found in the southwest line of Farm to Market Highway No. 1346 for the north corner hereof;

**THENCE** along the common lines of Farm to Market Highway No. 1346, the following 3 courses:

1. Following a curve turning to left through an angle of 003°09'41", having a radius of 5764.70 feet, an arc length 318.18 feet and whose long chord bears South 61°04'09" East a distance of 318.14 feet to a 1/2 inch iron rod found for a northeast corner hereof;
2. South 60°36'25" East a distance of 153.61 feet to a 1/2 inch iron rod found for a northeast corner hereof;
3. South 64°06'41" East a distance of 548.12 feet to a 1/2 inch iron rod found for the north corner of that certain 15.107 acre tract described in Volume 1528, Page 316 of said Official Public Records and an east corner hereof;

**THENCE** along the common lines of said 15.107 acre tract, the following 4 courses:

1. South 79°05'03" West a distance of 400.02 feet to a 1/2 inch iron rod found for an interior corner hereof;
2. South 12°12'41" West a distance of 259.13 feet to a 1/2 inch iron rod found for a corner hereof;
3. South 02°26'10" West a distance of 35.24 feet to a 1/2 inch iron rod found for an interior corner hereof;
4. South 87°48'22" East a distance of 292.56 feet to a 1/2 inch iron rod found for the northwest corner of that certain 1.8634 acre tract described in Document No. 108978 of said Official Public Records and a northeast corner hereof;

**THENCE** South 02°20'10" West a distance of 156.74 feet along the west line of said 1.8634 acre tract to a 1/2 inch iron rod found for the north corner of that certain 1.094 acre tract described in Document No. 99900 of said Official Public Records and a southeast corner hereof;

THENCE South 60°25'49" West a distance of 461.56 feet along the northwest line of said 1.094 acre tract to a 1/2 inch iron rod found in the north line of U.S. Highway No. 87 for the southwest corner of said 1.094 acre tract and the southeast corner hereof;

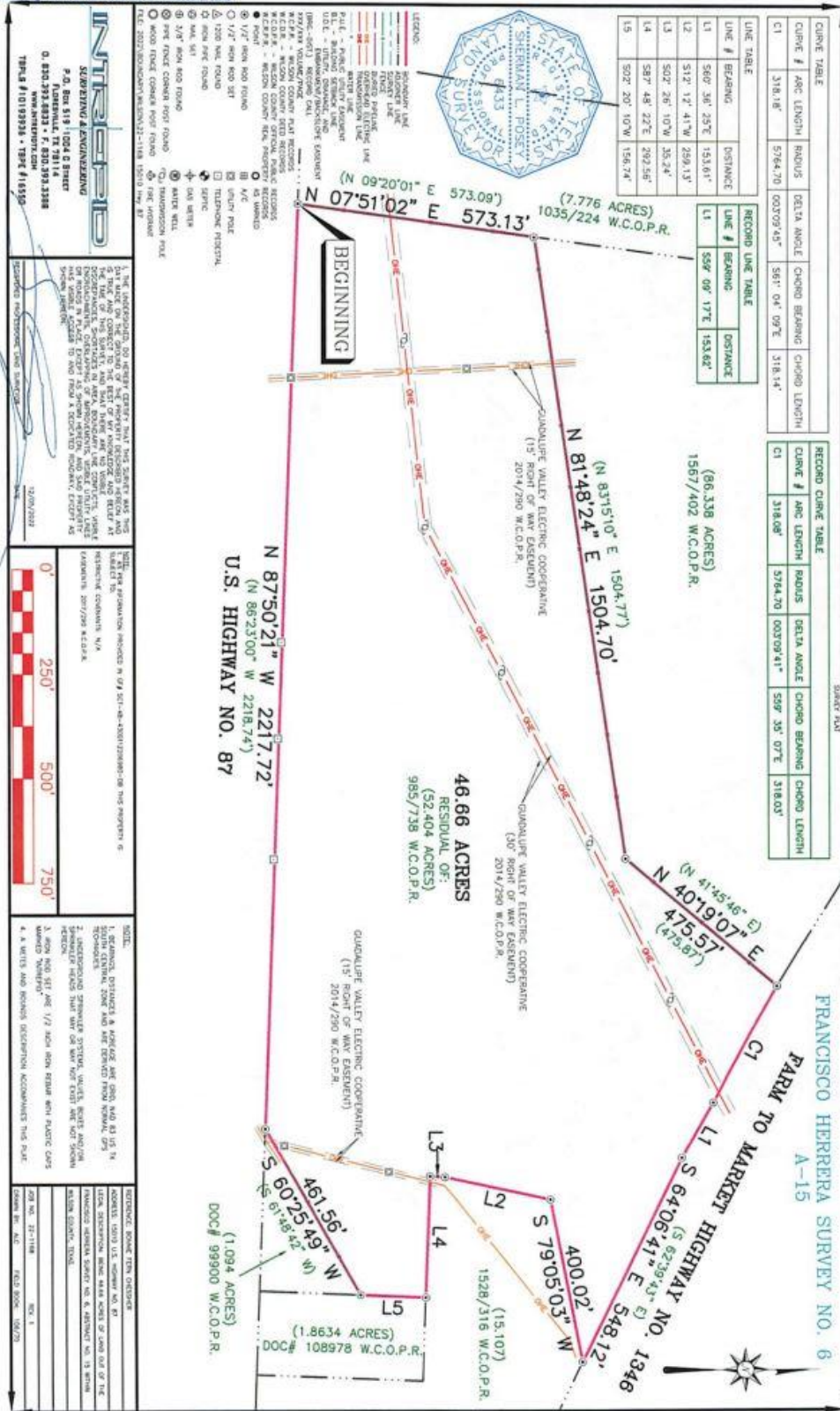
THENCE North 87°50'21" West a distance of 2217.72 feet along the north line of U.S. Highway No. 87 to the **POINT OF BEGINNING** containing 46.66 acres more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are NAD 83, South Central Zone and are derived from GPS techniques. Iron Rods set are a 1/2 inch rod with plastic caps marked "INTREPID".

Surveyed by;

  
Sherman L. Posey, R.P.L.S.  
Job# 22-1168.

November 10, 2022



CURVE TABLE			
CURVE #	ARC LENGTH	BEARS	DELTA ANGLE
C1	318.16'	5764.70	003°09'45"

CHORD BEARING CHORD LENGTH			
CURVE #	ARC LENGTH	BEARS	DELTA ANGLE
C1	318.16'	5764.70	003°09'45"

RECORD CURVE TABLE			
CURVE #	ARC LENGTH	BEARS	DELTA ANGLE
C1	318.08'	5764.70	003°09'41"

LINE TABLE			
LINE #	BEARING	DISTANCE	RECORD LINE TABLE
L1	S 60° 30' 10" W	153.61'	LI
L2	S 12° 12' 41" W	289.13'	
L3	S 02° 26' 10" W	35.24'	
L4	S 87° 48' 22" E	292.58'	
L5	S 02° 20' 10" W	156.74'	

RECORD LINE TABLE			
LINE #	BEARING	DISTANCE	RECORD LINE TABLE
L1	S 60° 30' 10" W	153.61'	LI
	S 59° 09' 17" E	154.62'	

LEGEND			
(Symbol)	ADJUTANT LINE	(Symbol)	WATER WELL
(Symbol)	ADJUTANT LINE	(Symbol)	WATER WELL
(Symbol)	ADJUTANT LINE	(Symbol)	WATER WELL
(Symbol)	ADJUTANT LINE	(Symbol)	WATER WELL

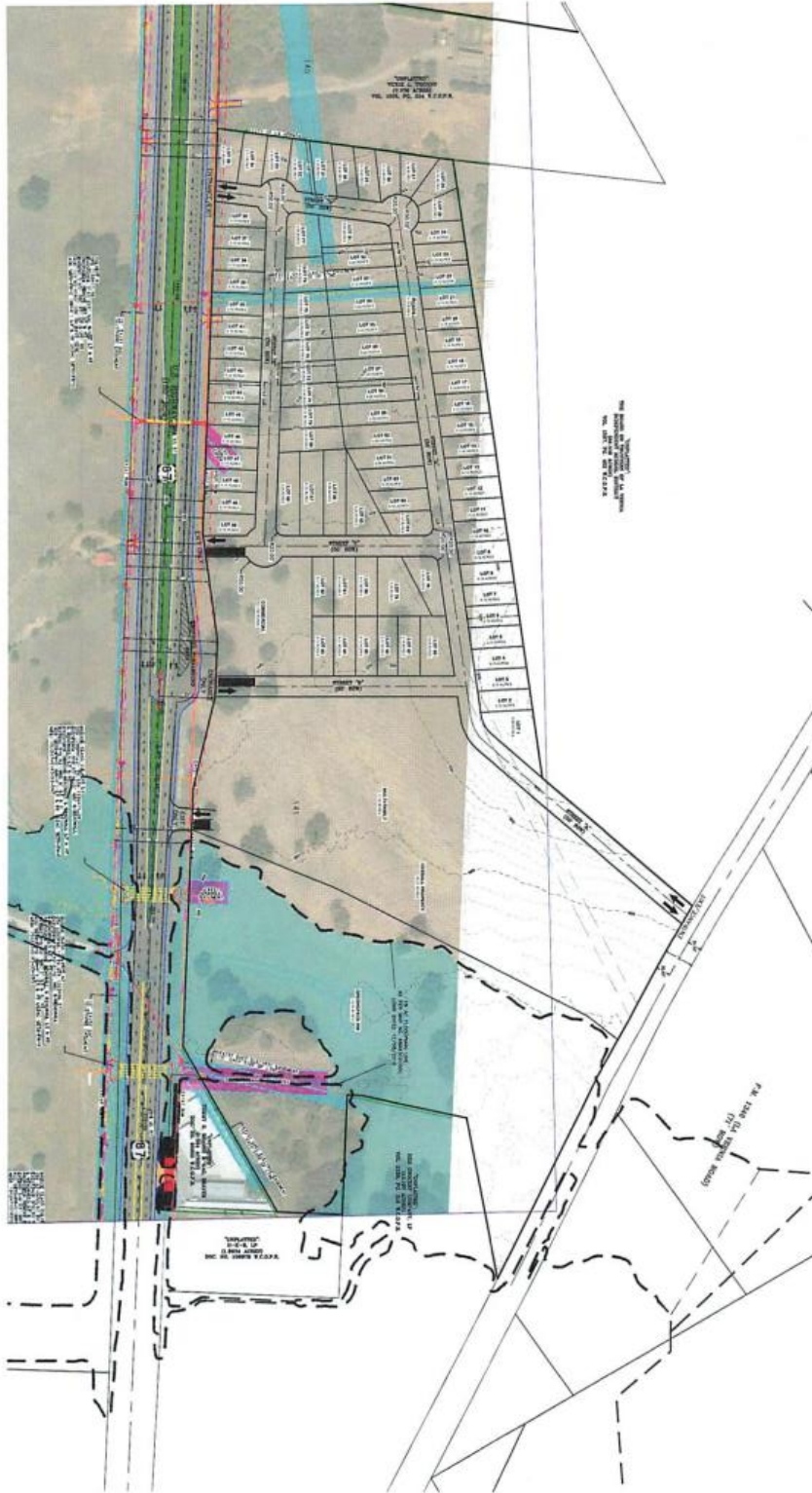
INTEGRATED SURVEYING & ENGINEERING  
 P.O. BOX 519 1004 G STREET  
 SUITE 100  
 DENVER, COLORADO 80202  
 O: 303.733.8833 F: 303.733.2588  
 WWW.INTEGRATED-SURVEYING.COM  
 TRPLS #1019938 • TRPLS #115555



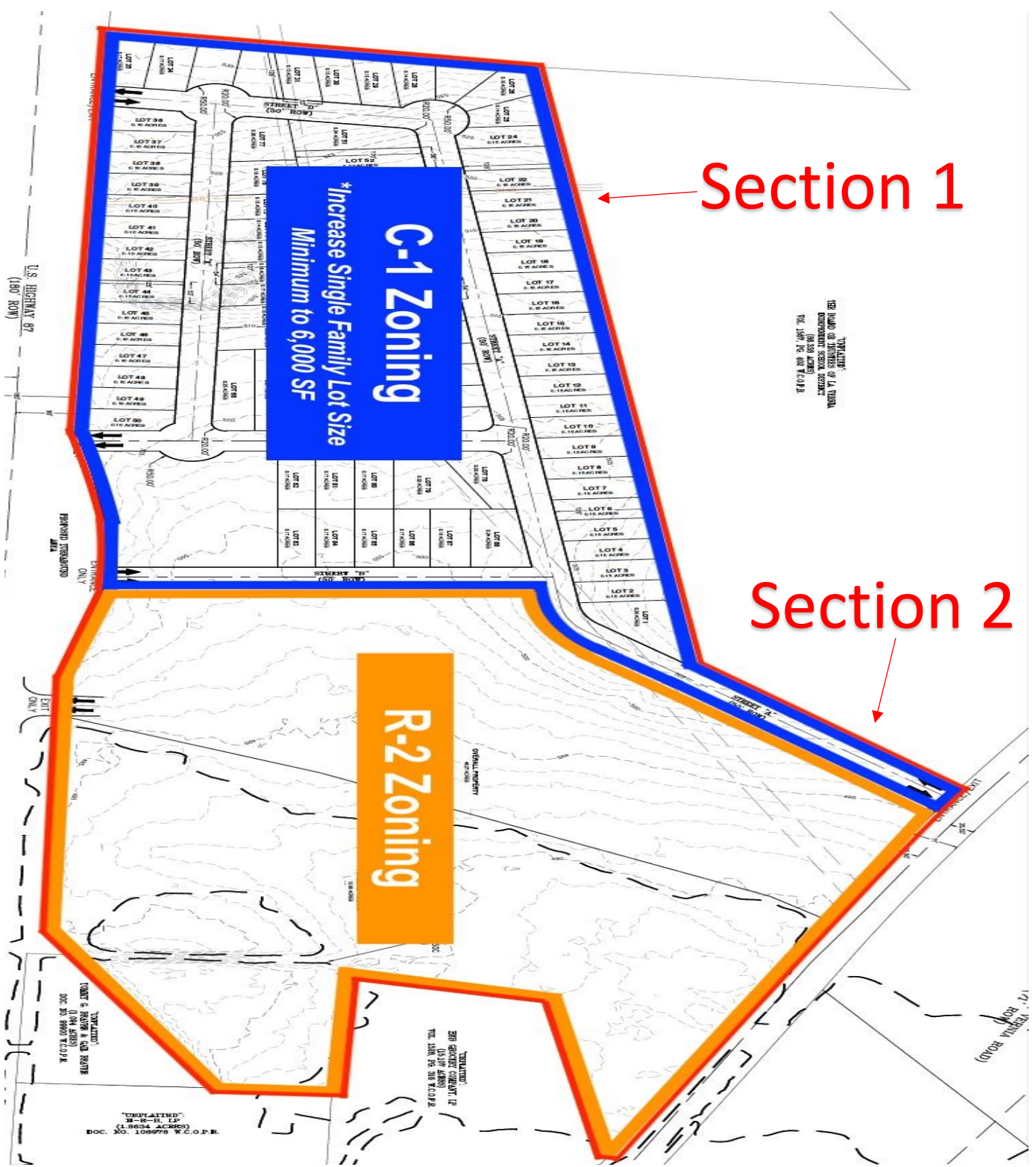
NOTE:  
 1. SURVEY DISTANCES & BEARS ARE GIVEN TO THE NEAREST MILLIMETER.  
 2. ALL DISTANCES ARE GIVEN TO THE NEAREST MILLIMETER.  
 3. ALL BEARINGS ARE GIVEN TO THE NEAREST SECOND.  
 4. ALL VERTICES AND BEARS OCCURRING ACCIDENTALLY THIS DATE.

BOOK	PAGE	DATE

### Exhibit B "Conceptual Plan"



- TOTAL LOTS: 48.27 OVERALL ACRES
  - 88 RESIDENTIAL LOTS - 15.31 ACRES
  - 1 COMMERCIAL LOTS - 1.56 ACRES
  - 1 GREENSPACE AREA - 12.89 ACRES
  - 1 MULTIFAMILY LOT - 11.39 ACRES
- TOTAL ROADS: 5.10 ACRES, 4,400.00 LF, 5 STREETS
  - STREET "A" - 1,824.64 LF
  - STREET "B" - 606.23 LF
  - STREET "C" - 583.01 LF
  - STREET "D" - 445.24 LF
  - STREET "E" - 838.76 LF



Section 1

Section 2

**Exhibit C**

**DEVELOPMENT STANDARDS FOR  
PLANNED DEVELOPMENT DISTRICT (PDD)**

For (46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No.15)

**PURPOSE STATEMENT**

To provide a planned development district (PDD) consistent with modern planned mixed-use developments.

**PDD Conforming Statement**

The proposed PDD will conform with the base zoning district(s) unless specifically addressed with the proposed development standards.

**Base Zoning District**

The property within this PDD will develop in accordance with the base zoning of C-1 Commercial and R-2 General Residential as shown on the Conceptual Plan, with modifications to the district requirements as identified in these development standards. The property will develop in accordance the current zoning ordinance as amended except as expressly stated in these development standards.

**List of Zoning Deviations**

The following lists all exemptions, modifications, or additions for this PDD to the City’s current zoning ordinance as amended: Section 38-208. (Dimensional and development standards) – Modifications to the dimensional requirements and the current City of La Vernia Code as amended for all other code requirements and specifications. The dimensional requirements change will be as follows:

District Name	Minimum Lot Size and Dimensions			Minimum Yard Setback			Minimum Height
	Area Sq ft	Width ft	Depth ft	Front ft	Side ft	Rear ft.	Max Height ft.
C-1	6000	25	100	25	5	5	30

**Alamo Heights:**

**Home occupations.** A **home occupation** is an **occupation** customarily carried on in the **home** by a member of the **occupant's** family without structural alterations in the building or buildings or any rooms therein, without the installation of machinery or additional equipment, other than that customary to normal household operation, without the employment of additional persons, without the use of a sign to advertise the **occupation**, without the use of premises' address in any form or type or advertising, without offering any commodity for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property and which does not generate additional pedestrian or vehicular traffic.

**Schertz:***A. Purpose and Intent.*

1. Protect residential areas from adverse impact of activities associated with **home occupations**.
2. Permit residents of the community a reasonable 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. Home Occupations—Required Conditions.*

1. The area set aside for **home occupations** shall not exceed twenty percent (20%) of the total floor area of such residence.
2. No interior or exterior business sign shall be permitted.
3. No mechanical equipment shall be 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.
5. No more than one person other than the immediate family permanently residing on the premises shall be employed in the **home occupation**.
6. No more than one **home occupation** shall be permitted within any single dwelling unit.

7. 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**.

8. There shall be no exterior indication of the **home occupation** or variation from the residential character of the principal building.

9. There shall be no exterior storage of materials to be used in conjunction with a **home occupation**.

10. A **home occupation** shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat 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 Planning and Zoning Commission within thirty (30) days after the Code Enforcement Officer's written determination.

11. All **home occupations** may be subject to periodic inspections by the City.

C. **Home Occupation Permit**.

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. *Permit Required.* Each resident within the City who has, or desires to establish an authorized **home occupation**, is required to have a **home occupation** permit.

3. *Application for Home Occupation Permit.*

a. Applicant shall apply to the City Manager or his/her designee for a **home occupation** permit.

b. The City Manager or his/her designee may issue the permit if the **home occupation** meets all the requirements established in Paragraph B.

c. The decision of the City Manager or his/her designee may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14.

d. The Planning and Zoning Commission will be the final judgment on appeals which must be submitted to the Planning and Zoning Commission within thirty (30) days after disapproval by the City Manager or his/her designee.

e. Supporting Documents.



i. *Signed statement.* One type of supporting evidence that may be submitted to the Planning and Zoning Commission for their consideration of an appeal is a signed statement by each property owner up to 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"

ii. *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/she has no objection to the **home occupation** on the property.

iii. *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**.

iv. *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 Paragraph B.

f. *Conditions Applicable to **Home Occupation** Permits.*

i. *Validation.* A **home occupation** permit expires every December 31.

ii. *Renewal.* Permits shall be renewed annually.

iii. *Inspection.* The City Manager or his/her designee is authorized to periodically enter the premises to ensure full compliance with these requirements.

iv. *Termination.* When a **home occupation** is found in noncompliance with the requirements outlined in Paragraph B, the permit will be terminated immediately.

v. *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 section.

**Cibolo:**

4. Accessory uses located in Residential Districts shall not be used for commercial purposes other than **Home Occupations** in compliance with zoning and other applicable regulations.

## 6.1.2 Home Occupations

### 6.1.2.1 General

A **Home Occupation** is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

The **Home Occupation** shall be clearly incidental to the residential use of the **home** and cannot change the residential character of the **home** or adversely affect the surrounding neighborhood.

### 6.1.2.2 Home Occupation Types

**Home Occupations** are permitted subject to the **occupation** meeting the following provisions.

- A. Be conducted entirely within a dwelling or integral part thereof and have no outside storage of any kind related to the **home occupation**;
- B. Be clearly incidental and secondary to the principal use of the dwelling;
- C. Be conducted only by persons residing on the premises (nonresident employees are not permitted);
- D. Does not affect the residential character of the dwelling;
- E. Deliveries by commercial vehicle occur only between the hours of 8 a.m. and 6 p.m.;
- F. Create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem;
- G. The **home occupation** shall not result in the off-street or on-street parking of more than two (2) vehicles at any one time not owned by members of the **occupant** family; H. No interior or exterior business sign shall be permitted.
- I. No mechanical equipment shall be used except of a type that is similar in character to that normally used for domestic purposes.
- J. **Home occupations** shall not use electrical or mechanical equipment that results in:
  1. A change to the fire rating of the structure;
  2. Visual or audible interference in off-site radio, television or electronic equipment;
  3. Off-site fluctuations in line voltage;

- K. All **home occupations** may be subject to periodic inspections by the City;
- L. Retail sales shall be limited to internet, mail order and telephone sales; with off-site delivery and the sale of products assembled at the residence;
- M. Services to patrons shall be arranged by appointment or provided off-site;
- N. There shall be no more than three deliveries per week to the residence by suppliers, except through the delivery of mail by the United States Postal Service or via private delivery services that typically provide neighborhood deliveries;
- O. No more than one (1) **home occupation** shall be permitted per single dwelling;
- P. Provide copy of Texas Sales and Use Tax permit issued by the State of Texas Comptroller's Office;
- Q. Provide copy of Certificate of Formation, Assumed Name Certificate/DBA, or other similar business identification document.
- R. The following activities shall be prohibited as a **home occupation**:
1. Outdoor automobile, truck and heavy equipment repair;
  2. Outdoor auto body work;
  3. Auto body painting;
  4. Parking and storage of heavy equipment;
  5. Storage of building materials for use on other properties; and
  6. The preparation, cooking or sale of potentially hazardous food items from a **home** kitchen, excluding items protected under Cottage laws.
- S. The sale of firearms shall only be permitted subject to the following conditions:
1. Issue of a license by the Bureau of Alcohol, Tobacco and Firearms;
  2. Installation of a monitored **home** security system;
  3. Installation of security lights that do not adversely affect adjoining residences;
  4. Installation of a safe, or an equivalent storage system, to store all firearms;
  5. Notification to the City Police and Fire Department's Chiefs;

T. Exemptions from the provisions of this chapter are:

1. Garage sales;

2. For-profit production of produce or other food products grown on the premises.

a) This may include temporary or seasonal sale of produce or other food products grown on the premises; and

b) Hobbies which result in payment to those engaged in such activity.

U. A floor plan of the residence in which you will be conducting your **home occupation** must be submitted with your application that depicts the following:

1. Address of residence;

2. Name and phone number of property owner;

3. Square footage of entire dwelling unit;

4. Square footage dedicated to the **home occupation**;

5. Entry location;

6. Existing parking location; and

7. Any other information relevant to processing your application.

V. **Home occupation** shall comply with all applicable Federal, State and Local laws and regulations.

**Castle Hills:**

Sec. 50-427. - General.

**Home BUSINESS OCCUPATIONS** shall be permitted only in the A, AA, AAA, B, C, and D districts. The **home occupation** must be subordinate to the main use or dwelling unit for residential purposes.

Sec. 50-428. - Conditions of use.

**Home occupations** are permitted in any dwelling unit or properly permitted accessory building subject the following conditions:

- (1) The appearance of the dwelling unit or properly permitted accessory building shall not be altered nor shall the **home occupation** be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs, increased traffic or emissions of odors, sounds, or vibrations. The city's noise and nuisance regulations are also applicable.
- (2) No outdoor display of goods or outside storage of equipment or materials used in the **home occupation** shall be permitted.
- (3) Only the resident **occupants** of the dwelling unit and one person not permanently residing in the dwelling unit shall be employed for hire or as a volunteer of the **home occupation**.
- (4) Except for a **home occupation** for school or child care, the **home occupation** shall be conducted entirely within the dwelling unit or a properly permitted accessory building. Use of carports or front yards for a **home occupation** is prohibited. A **home occupation** for school or child care may use the rear yard for such **home occupation** during daylight.
- (5) The use of electrical and mechanical equipment that would change the fire rating of the dwelling or create a visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
- (6) The **home occupation** shall not involve the use of commercial vehicles larger than one ton or delivery of materials to and from the premises other than mail and private delivery service vehicles such as Federal Express or UPS between 8:00 a.m. and 7:00 p.m.
- (7) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than two patron vehicles are on the premises at the same time.
- (8) A minimum of two additional parking spaces shall be provided on premises. All parking shall comply with the most recently adopted rules and ordinances for stopping, standing and parking.
- (9) Except for advising or consulting, the **home occupation** shall not involve medical or dental care, including, but not limited to a clinic, hospital, nursing **home**, or laboratory.
- (10) The **home occupation** shall not involve funeral or taxidermy services, tattoo parlors, furniture stores, restaurants, or clubs.
- (11) The **home occupation** shall not involve vehicle or boat sales, repair, or painting; heating, electrical, plumbing, construction or air conditioning services; glazier's or painting services; or equipment or vehicle rental.

(12) The **home occupation** shall not involve animal care, such as a stable, kennel, veterinary practice, or boarding or breeding of animals.

(13) The **home occupation** shall not involve school or child care for more than four children or adult care for more than two adults.

(14) The owner of the property where a **home occupation** is conducted shall register the **home occupation** with the city by completing a registration from identifying the street address of the property where the **home occupation** is being conducted, the name(s) of the persons(s) conducting the **home occupation**, and a description of the **home occupation**.

( Ord. No. 2020-07-14-B, § 1(Exh. A), 7-14-2020)

(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.
- (5) Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.
- (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.

All home occupations may be subject to periodic inspections.

(13)

(14) A home occupation shall not have any signage other than a nameplate 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.

(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 th



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.

(Ord. No. 120910-01, § 1(ch. 5, § 5), 12-9-2010)