



**ORDINANCE NO. 3852**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, ARTICLE 2 “ZONING DISTRICTS AND USES” BY AMENDING SECTION 2.4 “PERMITTED USES” SUBSECTION C “USE TABLES” REGARDING THE HOME OCCUPATIONS USE; AMENDING ARTICLE 2.5 “LAND USES REQUIRING SPECIAL PERFORMANCE STANDARDS” BY ADDING SUBSECTION “G” TITLED “HOME OCCUPATION” TO PROVIDE FOR DEVELOPMENT REGULATIONS RELATING TO HOME OCCUPATIONS; AND BY AMENDING ARTICLE 7, “DEFINITIONS,” SECTION 7.3 “DEFINITIONS OF USES” BY DELETING THE DEFINITION FOR “HOME OCCUPATION”; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING PUBLICATION.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested persons, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 94, “Zoning” of the Code of Ordinances of the City of Farmers Branch, Texas, as previously amended (“the Comprehensive Zoning Ordinance” or “CZO”), is hereby further amended as follows:

- A.** Article 2 “Zoning Districts and Uses,” Section 2.4 “Permitted Uses” is amended by amending the use table in Subsection C “Use Table” relating to the use “Home Occupations” to read as follows:

Use	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	L-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
KEY: X=Permitted S=Specific Use Permit Required T=Temporary Blank Cell=Use Not Permitted																				
<b>Residential Uses</b>																				
Home Occupation	X	X	X	X	X	X	X	X												2.5

- B.** Article 2 “Zoning Districts and Uses,” Section 2.5 “Land Uses Requiring Special Performance Standards” is amended by adding Subsection G titled “Home Occupation” to read as follows:

**G. Home Occupation**

1. A “home occupation” is an activity customarily conducted in a dwelling unit that is not detrimental or injurious to adjacent property, does not change the character of the neighborhood, is performed in such a manner that a person of ordinary sensibilities occupying an adjacent property may reasonably continue to enjoy the use of such property notwithstanding the operation of the home occupation, and otherwise complies with the following criteria:
  - a. Except as provided in subsection G.2.e. of this section, all activities associated with the home occupation must be conducted within the primary dwelling and/or attached or detached garage;
  - b. The home occupation must be conducted solely by residents of the dwelling and family members of such residents. No person who is not a member of the family residing in the dwelling may be employed full-time for purposes of participating in the conduct of the home occupation on the property where the dwelling is located;
  - c. The business or activity constituting the home occupation may employ people who do not reside on the property if the work performed by such employees is not performed at the dwelling;
  - d. No sign advertising the home occupation may be displayed on the property;
  - e. The home occupation shall not result in an increase in automobile vehicle traffic on the street adjacent to the property;
  - f. The operation of the home occupation shall not require additional off-street parking be constructed on the property;
  - g. Parking of vehicles to accommodate permitted customers shall be limited to the driveway of the property or along the curb immediately adjacent to the property;
  - h. The operation of the home occupation shall not involve the installation or outside storage of any machinery, equipment,

or materials that produce noise, noxious odor, dust, smoke, fumes, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property;

- i. The home occupation must be an incidental and secondary use to the principal use of the property as a residence that occupies no more than 25% of the residence;
- j. The operation of the home occupation shall not include the outdoor display or storage of goods; and
- k. The operation of the home occupation shall cause no change in the external appearance of the existing buildings and structures on the property.

2. Home occupations may include, but are not limited to, the following uses:

- a. The office of a notary public, accountant, bookkeeper, architect, lawyer, engineer, musician, or artist;
- b. A place where six (6) or fewer children under 16 years of age not related to the residents of the dwelling are received for care, custody or maintenance;
- c. Clothes making, homemade arts-and-crafts, jewelry making, washing or ironing;
- d. Dance, music or other types of tutoring instruction where four (4) or fewer students are being instructed at one time;
- e. Outside activities, such as swimming instruction, that are conducted within the rear yard and are not visible from the street, operates between 8:00 a.m. and 8:00 pm; and involve four or fewer pupils not related to the residents of the dwelling; and
- f. Food preparation or food sales associated with a cottage food production operation as defined in Tex. Loc. Govt. Code §211.031; but not other types of food preparation or sales unless operated in conformance with state law and the provisions of subsection G.1. of this section.

3. Home occupations expressly exclude the following uses:

- a. Barber shops, beauty shops, or hairdressers;
- b. Contractor shops (e.g., plumbing, carpentry, electrical, roofing, welding, HVAC);
- c. Radio, television, or similar equipment repair that might cause electrical interference or radio or electromagnetic interference beyond the property boundary;
- d. Dance, music, or other types of tutoring instruction where more than four (4) students unrelated to the residents of the dwelling are being instructed at one time;
- e. Auto repair or motorized implement repair, auto towing, painting of vehicles, trailers or boats, or similar uses performed for people who are not residents of the dwelling or people unrelated to residents of the dwelling;
- f. Dental, medical, or lab offices, or any other commercial activity utilizing corrosive, toxic, caustic, or flammable liquids; and
- g. Warehousing and/or distribution of personal property; provided, however, it shall be a defense to a violation of this paragraph 3.g. that the personal property was stored on the property in association with the operation of the home occupation that is conducted on the property and is subject to and in compliance with the other provisions of this Section 2.5.G.

C. Article 7 “Definitions,” Section 7.3 “Definitions of Uses” is amended by deleting a definition for “Home Occupation.”

**SECTION 2.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 3.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 16<sup>TH</sup> DAY OF APRIL 2024.**

ATTEST:

APPROVED:

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Stacy Henderson, TRMC, City Secretary

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Terry Lynne, Mayor

APPROVED AS TO FORM:

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Peter G. Smith, City Attorney  
(kbl:3/21/2024:4891-6721-0157)