



# **INFORMATION MEMORANDUM**

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TO: Mayor and City Council

THROUGH: Ben Williamson  
City Manager

FROM: Marcos Narvaez  
Deputy Director of Planning

DATE: April 16, 2024

SUBJECT: Conduct a public hearing and consider Ordinance No. 3852 that amends the Comprehensive Zoning Ordinance related to Home Occupation; and take appropriate action.

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## **Background:**

This "city-initiated" request pertains to a proposed amendment to the Comprehensive Zoning Ordinance ("CZO"), specifically entailing the addition of new special performance standards under Section 2.5 for "Home Occupation." Currently, home occupation is categorized under Section 2 (Use Table) of the CZO and defined within Article 7 of the CZO.

The matter concerning potential violations of the City's Code of Ordinance ("Code") pertaining to home occupations has been deliberated with the Code Enforcement Department since October 2022. This matter has been previously presented to the City Council during study session meetings. Following consultations with the City Attorney's office, it has been determined that the most appropriate approach for addressing and regulating home occupations is incorporating them within the CZO under Chapter 94 instead of the Business Code, Chapter 26.

Moreover, staff provided a briefing to the Planning and Zoning (P&Z) Commission during the February 26, 2024, study session regarding this proposed amendment, seeking any potential feedback. It is important to note that Section 6.3 of the CZO outlines the process for text amendments, including the addition of special performance standards for a particular use. Throughout this process, the P&Z Commission and the City Council will assess the nature of the proposed special performance standards, their compatibility with the current definition of the use, and the City's zoning districts.

**Current Standards:**

Home Occupation is currently defined under Chapter 94 as follows:

***Home Occupation:** An activity conducted solely by a residing member of the occupant's family, in the main structure only and which does not: offer goods or services to a client(s) at the premises or; involve the employment or assemblage of assistants or other persons at the premises or; require structural alterations to the building or, involve the installation of machinery or equipment not customarily found at a residence or; involve any advertising or signage at the premises or; involve the dedication of greater than 20% of the building area to the storage or warehousing of any goods, equipment, materials, or other matter associated with the occupation at the premises or; cause the generation of additional traffic in the street or; cause additional parking at or around the premises or; cause the parking or storage of commercial vehicles at the premises or; create or emit any noise, odor, glare, or smoke outside of the main residence or; require additional utilities (other than telephone) to the premises.*

*Exception: This definition is not intended to preclude the occasional visit of a person to a premises due to a home occupation such as tutoring, piano lessons, or other similar non-disruptive home occupation.*

Home Occupation uses are presently allowed within all One-Family and Two-Family Residential Districts, as outlined in the CZO's Use Table:

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												

Furthermore, they are permitted within all Planned Development Districts (PDs) that authorize one-family and two-family residential uses, along with associated accessory uses, unless explicitly prohibited.

**Proposed Zoning Amendment:**

Staff proposes to amend the CZO by replacing the existing definition of home occupation with a set of special performance standards related to this use. This provides a singular point of reference within the CZO to provide a clear and streamlined framework for understanding home occupation.

Special performance standards serve as vital tools for the City to proficiently oversee and regulate particular land uses, aiming to attain desired objectives such as safeguarding public health and safety, conserving community character, and fostering sustainable development. These standards establish a structured approach to responsible and equitable development, guaranteeing that land uses are in harmony with the community's principles, requirements, and aspirations.

The attached proposed ordinance contains the updated definition and compilation of performance standards for home occupation. These regulations shall be added to a new subsection “G” under Article 2, Section 2.5 of the CZO.

**Comprehensive Plan Recommendation:**

The Farmers Branch 2045 Comprehensive Plan advocates for a balanced mix of single- and two-family housing to fulfill the City’s objective of offering a diverse housing inventory while also supporting various accessory uses linked to such residences, including home occupations. Staff agrees that the proposed amendment for home occupation aligns with the envisioned future of Farmers Branch, which emphasizes the creation of dynamic, livable, and interconnected urban environments. Additionally, staff supports that the proposed amendment is consistent with the City's overarching goals, priorities, and the needs of its residents.

**Public Response:**

On March 15, 2024, a notice concerning this Zoning Amendment was published in the Dallas Morning News. Prior to this publication, correspondence regarding this case was received by staff from a resident. No further correspondence has been received by staff to date.

**Recommendation:**

On March 25, 2024, the P&Z Commission considered this request and unanimously recommended approval of this ordinance.