

**CITY COUNCIL ECONOMIC DEVELOPMENT
AND HOUSING COMMITTEE**

MONDAY, FEBRUARY 6, 2006

Planner: David Cossum

FILE NUMBER: DCA 056-003 (DC)

DATE INITIATED: September 8, 2005

TOPIC: Home Occupations

COUNCIL DISTRICT: All

CENSUS TRACT: All

PROPOSAL: Consideration of amendments to Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, the City of Dallas Development Code, concerning standards and restrictions on a home occupation use.

SUMMARY: The purpose of this proposal is to revise the limits on the number of people allowed on the premise of a home occupation and to establish floor area limitations for a home occupation use.

STAFF RECOMMENDATION: Approval

ZOAC RECOMMENDATION: Approval

CITY PLAN COMMISSION RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- A home occupation is an accessory use to the primary residential use of a property. The development code states that an “accessory use must be a use customarily incidental to a main use. A use ...may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section.”
- The vast majority of home occupation uses operate in conformance with the current regulations. The proposed changes would not impact these uses.
- Code Enforcement has had some difficulty in addressing certain issues related to the operation of home occupations and their impact on surrounding residential uses. These primarily have to do with traffic and the number of people generated by some uses claiming to be a home occupation use. This is often correlated with the amount of space devoted to a home occupation in a residence.
- Typically accessory uses are limited to no more than 5 percent of the floor area of the main use. This restriction does not currently apply to a home occupation use.
- Currently a home occupation use is limited to having no more than 10 patrons on the premises at one time.

PROPOSAL ANALYSIS

The proposed changes would change the current wording of “involving no more than 10 **patrons** on a premise” to “involving no more than 10 **people**, other than those residing at the premise, on the premise at one time.” The intent of this change is to assure a limitation on the number of individuals that are there as a result of the home occupation use, not just those that are actual customers, clients or patrons of the home occupation use. This restriction only involves activity related to the conduct of a home occupation use, and does not restrict the number of people that can be on a premise related to the primary use of the premise as a residence (such as a party or family gathering).

The second proposed change would be to establish a restriction on the area that can be devoted to a home occupation use. Most accessory uses are limited to 5 percent of the area of the main use, the proposed change would restrict a home occupation use to no more than 25 percent or 500 square feet of the total floor area, whichever is less.

ZOAC Minutes (December 1, 2005)

Motion: It was moved to recommend approval of the draft ordinance subject to amending the area limitations to 25 percent of the total floor area or 500 square feet, whichever is less.

Motion: Carol Scott
2nd: Kraig Post

Result: Passed: 5 to 0

For: 4 - Kraig Post, Bulldog Cunningham, Dave Neumann and Carol Scott

Against: 0 -

Absent: 2 - Michael Jung and Taylor Bowen

CPC Minutes (January 12, 2005)

Motion: It was moved to recommend **approval** of amending Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, the City of Dallas Development Code, concerning standards and restrictions on a home occupation use.

Maker: Neumann
Second: Wilson
Result: Carried: 12 to 1

For: 12 - Neumann, Strater, Gary, Marshall, Wilson, Bagley, Brandon, Avery, Buehler, Ekblad, Emmons, Culbreath

Against: 1 - Miranda

Absent: 1 - Cunningham

Vacancy: 1 - District 12

Speakers: None

ORDINANCE NO. _____

An ordinance amending CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, by amending Section 51A-4.217; amending the home occupation accessory use regulations; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (8), "Home occupation," of Subsection (b), "Specific accessory uses," of Section 51A-4.217, "Accessory Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, is amended to read as follows:

"(8) Home occupation.

(A) Definition: An occupation that is incidental to the primary use of the premises as a residence and conducted on the residential premises by a resident of the premises.

(B) Districts restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) A person who engages in a home occupation shall not:

(aa) use an advertisement, sign, or display on the premises;

(bb) use a street address on an advertisement, sign, or display off the premises;

(cc) employ more than two persons on the premises, other than the residents of the premises;

(dd) have employees, other than the residents of the premises, who individually or collectively works on the premises more than four hours in any given week;

(ee) conduct outdoor activities between the hours of 10 p.m. and 7 a.m.;

(ff) involve more than 10 people [~~patrons~~] on the premises at one time, other than the residents of the premises;

(gg) conduct outdoor activities unless the activities are screened from the neighboring property by a solid fence of at least six feet in height;

(hh) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort; or

(ii) sell, offer, or advertise products of the home occupation at or on the premises.

(ii) A home occupation may not occupy more than 25 percent or 500 square feet of the total floor area, whichever is less. [The area restrictions in Subsection (a)(3) do not apply to this use.]"

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 3. That CHAPTER 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney