

Sec. 146-133. Accessory Buildings and Uses.

(a) *Area regulations.* The following area regulations shall be observed for all accessory buildings or accessory structures in all residential, multiple family, or mobile home districts:

(1) *Front yard.* Attached accessory buildings or structures shall have the same front yard as that of the main building.

(2) *Side yard.*

a. There shall be a side yard for any detached accessory building of not less than three feet from any side lot line when such detached accessory building is located in the rear of the lot (the rear of a line connecting the midpoints on the two opposite side lot lines of any lot, tract or plot), and when the detached accessory building is a minimum distance of ten feet from the main structure.

b. When a detached accessory building is located in front of the line connecting the two midpoints of the opposite side lot lines as herein described, or is closer than ten feet from the main structure, such accessory building shall observe the same side yard as specified for the main building.

c. If an accessory structure is adjacent to a side street, the side yard for the accessory structure must be a minimum of 15 feet from the side property line.

(3) *Rear yard.*

a. There shall be a rear yard for accessory buildings not less than three feet from any lot line, alley line, or easement line, except that if no alley exists, the rear yard shall not be less than ten feet as measured from the rear lot line. Where apartments are permitted, the main building and all accessory buildings shall not cover more than 50 percent of the rear of the lot (that portion of the lot lying to the rear of a line erected adjoining the midpoint of one side lot line with the midpoint of the opposite side lot line).

~~b. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of 20 feet to facilitate access without interference with the use of the street or alley by other vehicles or persons.~~

eb. Detached accessory buildings or structures shall be located in the area defined as the rear yard.

(4) *Air conditioning equipment.* Air conditioning compressors, cooling towers, and similar accessory structures shall observe all front, side, or rear yards specified for accessory buildings. When such accessory structures are located in the side yard or that portion of a lot herein designated as the rear of the lot, the minimum side yard shall be three feet.

(5) *Swimming pools.* All swimming pools shall be located behind the front yard or front building line and in no case shall the pool proper be nearer than five feet to any bounding property line of the lot or tract on which it is situated.

(6) *Driveways. Garages or carports shall be set back from the street or alley a minimum distance of 20 feet to allow for the construction of a driveway that facilitates access without interference with the use of the street or alley by other vehicles or persons.*

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(7) *Accessory buildings on residential lots.* Accessory buildings shall *be permitted on residential lots and shall* meet the following requirements:

a. No accessory building, other than an allowed accessory dwelling, shall be rented or leased.

b. No accessory building shall be used for commercial purposes.

c. No accessory building or structure, except fences, may be erected within three feet of any rear or side property line, or be located within any recorded easement.

d. No accessory building shall exceed 200 square feet in area, except:

1. Detached garages are limited to 500 square feet in area; and

2. Accessory dwellings are limited to 600 square feet in area.

e. No accessory building shall exceed one story in height, except that an allowed accessory dwelling may be located on a second story above a garage.

(78) *Accessory dwellings.* Accessory dwellings, ~~where allowed as an accessory use,~~ shall meet the following requirements:

- a. An accessory dwelling may not be located on a lot less than 12,000 square feet in area.
- b. An accessory dwelling must be behind the front building line, and must observe the same setbacks as the main structure.
- c. An accessory dwelling shall be constructed of the same exterior materials as the main structure.
- d. An accessory dwelling may not be sold separately from the main structure.
- e. An accessory dwelling shall not have a separate electric meter.

(b) *Allowed accessory uses.* Allowed accessory uses are listed in the requirements for each zoning district provided for by this chapter.

(c) *Home occupations.* A home occupation, in ~~districts where allowed~~ permitted single family residential structures, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

(1) Home occupations shall be conducted entirely within the main building.

(2) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.

- a. No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, or outside storage of materials or equipment.
- b. The home occupation shall not have a separate entrance.
- c. Not more than two patron or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles.
- d. A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with

the home occupation. The commercial vehicle shall not be parked in the street.

- e. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of 1 1/2 tons.
 - f. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
- (3) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
 - (4) The home occupation shall employ no more than one individual who is not an occupant of the residence.
 - (5) The address of the home occupation shall not be included in any classified advertisement, yellow pages listing, or other advertisement.
 - (6) The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under subsection (c)(8) of this section.
 - (7) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed childcare home occupations.
 - (8) Uses allowed as home occupations shall include the following:
 - a. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
 - b. Office of a salesman or manufacturer's representative; provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises, except as permitted by this chapter;
 - c. Author, artist, sculptor;
 - d. Dressmaker, seamstress, tailor, milliner;
 - e. Music/dance teacher, tutoring, or similar instruction; provided that no more than three pupils may be present at any one time;

- f. Swimming lessons or water safety instruction; provided that a maximum of six pupils may be present at any one time;
- g. Home craft, such as weaving, model making, etc.;
- h. Repair shop for small electrical appliances, cameras, watches, or other small items; provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
- i. Food preparation such as cake decorating, catering, etc.; provided that no on-premises consumption by customers is allowed, and provided that the business is in full compliance with all health regulations;
- j. Day care: registered family home in compliance with state law, with a maximum of six children at any one time;
- k. Barbershop, beauty salon, or manicure studio; provided that no more than one customer is served at any one time; and
- l. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123 of the Texas Human Resources Code and as amended.

(9) Uses prohibited as home occupations shall include the following:

- a. Animal hospital, commercial stable, kennel;
- b. Bed and breakfast inn, boardinghouse or roominghouse;
- c. Day care center with more than six children;
- d. Schooling or instruction with more than one pupil (except as noted above);
- e. Restaurant or on-premises food/beverage consumption of any kind;
- f. Automobile, boat or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engine, or other repair shops except as specifically provided for in section 146-133(c)(8);
- g. Cabinetry, metal work, or welding shop;

- h. Office for doctor, dentist, veterinarian, or other medical-related profession;
- i. On-premises retail or wholesale sale of any kind, with the following exceptions:
 - 1. Home craft items produced entirely on premises;
 - 2. Garage sales as provided for within chapter 54, article II;
 - 3. Sales incidental to a service; and
 - 4. Orders previously made by telephone, internet, or at a sales party.
- j. Commercial clothing laundering or cleaning;
- k. Mortuary or funeral home;
- l. Trailer, vehicle, tool, or equipment rental;
- m. Antique, gift, or specialty shop; and
- n. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.

(10) The Director of Planning shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director of Planning shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein. If the applicant disagrees with the determination of the Director of Planning, the applicant may request that the use be evaluated by the City Council.

(11) Any home occupation that was legally in existence as of the effective date of the ordinance from which this chapter is derived and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

- (d) *Permanent makeup facilities.* A permanent makeup facility shall be allowed in conjunction with a doctor's office or beauty shop, and shall meet the following standards.

- (1) Permanent makeup is limited to parts of the body from the neck up, and is generally for cosmetic or reconstructive purposes.
- (2) The permanent makeup use shall be subordinate to the principal use in terms of area of the building served, extent of services provided, and be in keeping with the purpose of the doctor's office or beauty shop.
- (3) The permanent makeup use shall not be allowed to maintain hours of operation in excess of the principal use.
- (4) Access to the area where the permanent makeup procedure is performed must be through the main entrance of the principal use.

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