

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS, AMENDING THE CITY OF BULVERDE CODE OF ORDINANCES, CHAPTER 14, ZONING, SECTION 14.12.005, HOME OFFICE, BY ADDING PROVISIONS RELATED TO HOME-BASED BUSINESSES, INCLUDING ALLOWING MANUFACTURING USES WITHIN RESIDENTIAL ZONES, AND TO REMOVE CONFLICTING PROVISIONS; ADOPTING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Bulverde, Texas has determined that the ordinance establishing Home Office should be amended by adding provisions related to No Impact Home-Based Businesses, including allowing manufacturing uses within residential zones, as required by HB 2464; and

WHEREAS, the Planning and Zoning Commission of the City of Bulverde, Texas, and the City Council of the City of Bulverde, Texas, in compliance with the State law with reference to the Zoning Ordinance, have given requisite notices by publication and otherwise, and have held a public hearing and afforded a full and fair hearing to all persons interested; and

WHEREAS, the City Council, having received the final report of the Planning and Zoning Commission and having determined that the revisions to the Zoning Ordinance adopted by this Ordinance will promote the health, safety, morals, and general welfare of the City of Bulverde and the safe, orderly, and healthful development of the City of Bulverde, is of the opinion that the Zoning Ordinance should be revised as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BULVERDE, TEXAS, THAT:

SECTION 1. The City of Bulverde Code of Ordinances, Chapter 14, Zoning, Section 14.12.005, Home Office, is amended to read as depicted in Exhibit A, attached hereto.

SECTION 2. Severability: If any portion of this Ordinance shall, for any reason, be declared invalid, the invalidity shall not affect the remaining provisions thereof.

SECTION 3. Repealer: All Ordinances, parts of Ordinances in conflict herewith are expressly repealed.

PASSED AND ADOPTED this _____ Day of _____, 20 _____

Helen Hays, Mayor

ATTEST:

Sandra V. Ham
City Secretary

Exhibit "A"

The Code of Ordinances of the City of Bulverde, Chapter 14, Zoning, Section 14.12.005, is amended to read as follows:

14.12.005 Home-based business regulations

(a) In this section:

(1) "Business" has the meaning assigned by Section 1.002, Business Organizations Code.

(2) "Home-based business" means a business that is operated:

(A) from a residential property;

(B) by the owner or tenant of the property; and

(C) for the purpose of:

(i) manufacturing, providing, or selling a lawful good; or

(ii) providing a lawful service.

(3) "No-impact home-based business" means a home-based business that:

(A) has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

(B) does not generate on-street parking or a substantial increase in traffic through the area;

(C) operates in a manner in which none of its activities are visible from a street; and

(D) does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.

(b) Any home-based business that does not meet the requirements to be classified as a no-impact home-based business in accordance with this section is prohibited.

(c) No-impact home-based businesses are permitted within the City provided that all such businesses comply with the following requirements:

- (1) All no-impact home-based businesses shall be:
 - (A) in compliance with federal, state, and local law, including:
 - (i) all municipal fire and building codes; and
 - (ii) all municipal regulations related to:
 - (a) health and sanitation;
 - (b) transportation or traffic control;
 - (c) solid or hazardous waste; or
 - (d) pollution and noise control;
 - (B) compatible with the residential use of the property where the business is located; and
 - (C) secondary to the use of the property as a residential dwelling;
- (2) No-impact home-based businesses are prohibited if the business:
 - (A) sells alcohol or illegal drugs;
 - (B) is a structured sober living home; or
 - (C) is a sexually oriented business as defined by Section 243.002 of the Local Government Code.
 - (D) is operated as a short-term rental unit.