



City of Harker Heights
Planning & Development
305 Miller's Crossing
Harker Heights, TX 76548

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HOME OCCUPATION

This guideline is meant to provide the prospective home business operator with information that will assist him/her in complying with applicable City Ordinances while still maintaining a viable business operation. This guideline is not intended to be all-inclusive; therefore, if you have any questions that are not answered here, please contact the Planning and Development Director.

Normally, business operations are confined to established commercial areas and are prohibited in established residential areas. The reason for this is two-fold: First, commercial business operations tend to be highly visible due to advertising signs, increased traffic and vehicle parking, increased noise, and so forth. This detracts from the "quiet enjoyment" that people have a right to expect in a residential neighborhood. Secondly, any "mixing" of land use in a given area tends to severely affect the value of all the properties in a negative way. This is why zoning ordinances are enacted and enforced.

City governments realize, however, that some types of businesses are "low key" and do not tend to negatively impact their neighbors or the property values in the immediate area. These businesses tend to be small enough that location in a commercial area would be prohibitively expensive and would tend to stifle new business growth. Therefore, most cities have set aside a class of businesses that, due to their nature or size, may be operated in a residential area.

Home occupations are regulated by Chapter 155.084 of the City of Harker Heights Code of Ordinances.

Signed

Date

Please generally describe the home occupation:

HOME OCCUPATIONS

§ 155.084 HOME OCCUPATIONS.

(A) *Definition.* A **HOME OCCUPATION** is an incidental use of a dwelling unit (not an accessory structure) for gainful employment, involving the provision of limited goods and/or services.

(1) Persons conducting a home occupation are required to comply with, and are subject to, any other laws, rules and regulations affecting the occupation and the property.

(2) Home occupations are permitted incidental uses only so long as all the following conditions are observed:

(a) The Texas tax identification number must be provided with the application.

(b) A sign not larger than 324 square inches (e.g., 18 inches by 18 inches) affixed to the wall or door is permitted. The home occupation shall not involve the use of advertising signs or window displays on the premises or any other local advertising media which call attention to the fact that the home is being used for business purposes; except that, for such purposes, a telephone number, but no business address, may be published.

(c) In no way shall the outside appearance of the dwelling be altered from its residential character;

(d) Performance of the occupation activity shall not be visible from the street (curtains or blinds may be used to accomplish this purpose);

(e) The use shall not increase vehicular or pedestrian traffic flow beyond what normally occurs in the applicable zoning district. Additionally, except as provided in division (g), there shall be no more than two additional cars parked on the premises or adjacent to it for non-residents, including clients and employees. Parking shall not be permitted in the front or side yards, unless paved according to city standards;

(f) There shall be no outside storage (to include trailers) or display related to the home occupation;

(g) One commercial vehicle, not for advertising, having a capacity of one ton or less (excluding attached trailers), may be used or parked on appropriate pavement on the property in connection with the home occupation;

(h) No mechanical or electrical equipment shall be employed other than the quality and quantity of machinery or equipment customarily found in a home associated with a hobby or avocation not conducted for gain or profit; and

(i) The home occupation use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.

(B) *Occupations included.* Home occupations may include, but are not necessarily limited to, the following:

(1) Office facility of an accountant, architect, attorney, engineer, consultant, insurance agent, real estate broker or member of similar professions;

(2) Author, artist or sculptor, photographer;

(3) Dressmaker, seamstress or tailor;

(4) Music/dance teacher or other type of instruction;

(5) Individual tutoring;

(6) Home crafts such as rug weaving, model making;

(7) Office facility of a salesman, sales representative, manufacturer's representative, or service provider, for sale of goods or services, whether such individual or individuals are self-employed or otherwise; and provided that no retail or wholesale transactions or provision of services are made on the premises;

(8) Repair shops for small electrical appliances (such as irons, portable fans and the like), typewriters, cameras and other similar small items; provided the item does not have an internal combustion engine;

(9) Food preparation establishments such as cake maker, provided there is compliance with all state health laws and no consumption of food items by customers on the premises;

(10) Personal grooming with one customer at a time, by appointment only.

(C) *Occupations not included.* Permitted home occupations shall not in any event be deemed to include:

(1) Animal hospitals or clinics, commercial stables or commercial kennels;

(2) Restaurants;

(3) Automobile, boat or trailer paint or repair shops (major or minor);

(4) Doctor, dentist, veterinarian, sex therapy, massage therapy or other medically related offices;

(5) On-premise retail sales, except garage sales as otherwise provided in this code:

- (6) Mortuaries;
- (7) Private clubs;
- (8) Trailer rentals;
- (9) Carpentry work;
- (10) Photo developing using chemicals;
- (11) Gift shops;
- (12) Repair shops for any item with an internal combustion engine; and

(13) Those home occupation uses which, without regard to principal or accessory use conditions, would be classified as assembly, factory-industrial, hazardous, institutional or mercantile occupancies as defined by the 1988 Standard Building Code, as amended.

(D) *Application of provisions.* The provisions of this section shall apply to all home occupations, regardless of the date of inception, unless previously authorized in writing by the city.

(E) *Home occupations not listed in this section.*

(1) Persons wishing to operate home occupations which are not expressly permitted or prohibited by this section may make written request to the Planning and Development Director for a formal review of the proposed home occupation.

(2) The Planning and Development Director shall review the request to determine the appropriateness within the established general guidelines. If the Director makes a favorable determination, the request shall be forwarded to the Planning and Zoning Commission for hearing.

(3) The Planning and Zoning Commission shall, in accordance with applicable law, review all requests forwarded by the Director, and submit a final report and recommendation to the City Council.

(4) The City Council shall then, in accordance with applicable law, review and consider action on the request.

(5) Any person requesting a formal review to permit a particular use not otherwise permitted shall, at the time such request is submitted, pay a non-refundable fee established by the City Council.

(F) *License revocation.* Home occupations are subject to review by the city, should violations be reported or observed. Licenses shall be revoked for noncompliance.

(Ord. 2006-40, passed 10-24-06)



BUSINESS REGISTRATION FORM

APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED

1. Copy of DBA (Doing-Business-As), LLC or Articles of Incorporation.
2. Payments: Home Based & Property Management - \$25.00
Mobile Business - \$35.00
Commercial - \$75.00
3. Fire Marshal Walk-Through - Call (254) 699-2688 to schedule.
4. Building Walk-Through - Call Building Department @ (254) 953-5600 to schedule.
5. Bell County Food Permit - Call (254) 771-2106

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RENEWAL: NEW:

DATE: _____

NAME OF BUSINESS: _____ PHONE # OF BUSINESS: _____

LOCATION OF BUSINESS: _____

MAILING ADDRESS (if different than location): _____

TYPE OF BUSINESS (detail description): _____

Texas Sales Tax ID #: _____ E-Mail (Primary Contact): _____

Business Owner: _____

Date of Birth: _____ Home Address: _____

Phone #: _____ Driver License #: _____

Manager: _____

Date of Birth: _____ Home Address: _____

Phone #: _____ Driver License #: _____

Emergency Contact: _____

Phone #: _____ Address: _____

Security Lighting on Premise? YES NO N/A

Alarm System? YES NO N/A If YES: Silent Audible Fire Intruder

Subscribe to Security Service? YES NO N/A

Security Service Company Name: _____ Phone #: _____

Building Owner (if different from bus. owner) _____

Phone #: _____

BUSINESS REGISTRATION FORM

VEHICLE INFORMATION: PLEASE LIST INFORMATION ON OWNER AND EMPLOYEE(S) AS WELL AS VEHICLES THAT MAY BE ON THE BUSINESS PREMISE AT ODD HOURS.

DRIVER	VEHICLE (MAKE, MODEL, AND YEAR)	LICENSE PLATE #

Hazardous Material on Premise? YES NO N/A

If YES, list items (attach separate sheet if needed): _____

Square footage of suite/building: _____

Does Building Have Exterior Electrical Shut Off? YES NO If YES, on which side? North South East West

Is the building equipped with automatic Fire Sprinklers? YES NO

Are street address numbers installed on building? YES NO If YES, are they visible from the street? YES NO

Will this business require: Commercial Dumpster Commercial Hand Pick-Up

Date Business Opens Under New Owner: _____ No. of Employees: _____ Business Hours: _____

Type of Business (select one or provide "other" description) General Partnership, Limited Partnership, Corporation, Association, Individual:

WARNING: A person commits an offense, with intent to deceive and with knowledge of the statement's meaning, he/she makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

Before me, the undersigned authority, this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing Business Registration Form, who being by me first duly sworn, upon oath says that he/she has read the said form in its entirety, together with any supporting documentations, that he/she has personal knowledge of all the information set forth therein, and that such information is true and correct.

Applicant's Signature

Notary Public, State of Texas

SWORN AND SUBSCRIBED BEFORE ME THIS _____,
DAY OF _____, 20____.

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____