



Town of Lakeside

9830 Confederate Park Road, Lakeside, Texas 76108

Phone: 817-237-1234 * Fax: 817-238-9187

Dear Home Based Business:

The following lists the prohibitions outlined by ordinances regarding the operation of a Home Based Business. The general intent of allowing Home Based Businesses is to provide a reasonable use of the property without negatively impacting or affecting surrounding homes and/or properties.

The listed uses are not permitted if found to be injurious to the neighborhood. Elements of a home based business that would render it injurious to the neighborhood and therefore be deemed not a customarily incidental use include any one more of the following.

1. Outside storage; for the purpose of this section the parking of one trailer less than 20-foot-long in a driveway is not considered outside storage.
2. Exhibits or display of goods, wares, or merchandise, excluding fruits and vegetables grown on premises, when such exhibits or displays are visible from any public street or public right-of-way, or from premises the person displaying the goods, wares, or merchandise has no right to occupy.
3. On-site advertising or signs of any nature. Advertising on vehicles is permitted.
4. Parking of vehicles, other than in the driveway of such premises, Any parking of vehicles must be consistent with town ordinances, particularly Ordinance Number 24 of the Town of Lakeside.
5. Not more than two patrons or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located.
6. Activities that are offensive for reasons of odor, noise, or manner of operation, including but not limited to motor vehicle sales, service and repair, Uses listed as permitted home based business can be determined unacceptable if they do not meet the stated objectives of the ordinance. All home based businesses are subject to the Nuisance, Fire, Animal and other applicable chapters of the Code of the Town of Lakeside.
7. Activities are limited to living portion of a house, or its attached garage. Accessory buildings or detached structures cannot be used in conjunction with a home based business.



Home Base Business Registration

Please Print Clearly:

Applicant's Name: _____

Applicant's Home Address: _____

TX Driver's License Number: _____ E-Mail: _____

Phone Number: _____ Fax Number: _____

*****IF YOU ARE NOT THE HOMEOWNER, PLEASE PROVIDE PROOF OF RESIDENCE*****

For which type of Home Based Business are you applying? (Select one only)

- | | |
|--|--|
| <input type="checkbox"/> Author, artist or sculptor | <input type="checkbox"/> Office Use (except Banking, Employment, Medical/Dental) |
| <input type="checkbox"/> Catering Business (no on premises consumption) | <input type="checkbox"/> Photography Studio |
| <input type="checkbox"/> Computer based business | <input type="checkbox"/> Private Lessons (6 or fewer pupils) |
| <input type="checkbox"/> Home day care (6 or fewer children) | <input type="checkbox"/> Sale of Homemade goods/crafts |
| <input type="checkbox"/> Direct Seller | <input type="checkbox"/> Service Provider (off-site Service) |
| <input type="checkbox"/> Hand Crafted Arts Studio | <input type="checkbox"/> Dressmaker, Seamstress or Tailor (custom only) |
| <input type="checkbox"/> House Cleaning Service (Office Only) | <input type="checkbox"/> Repair shop small appliances, cameras, watches |
| <input type="checkbox"/> Instruction Arts Studio (Music, Dance or similar) (6 or fewer pupils) | <input type="checkbox"/> Telephone Based Business |
| <input type="checkbox"/> Millinery | <input type="checkbox"/> Barbershop/ beauty salon or manicure studio (no more than 1 customer at a time) |
| <input type="checkbox"/> Registered Family Home | |

A Home Based Business is permitted as an incidental use and is secondary to the use of a dwelling. The Registration does no establish nonconforming rights. The Registration is subject to annual renewal. The Registration may be revoked or renewal may be refused for violations of the City Code of the Town of Lakeside.

I hereby certify that I have read and examined this application and know the same to be true and correct and I am familiar with the stated prohibitions on the attached page. All provision of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel provisions of any other state or local ordinances regulation construction, the performance of construction or the use of any land or buildings.

Signature of Permit Applicant: _____

HOME OCCUPATIONS

§ 150.90 PURPOSE.

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners, within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

(Ord. 314, passed 6-22-2010)

§ 150.91 SPECIAL PROVISIONS FOR HOME OCCUPATIONS.

(A) Any person desiring to conduct a home occupation in the Town of Lakeside within a district zoned for residential use as provided hereinafter shall be required to register with the Town of Lakeside prior to conducting any such business. Registration shall be made on forms established by the town and available from the Town Secretary. It shall be unlawful for any person to conduct a business operation of any form or nature from their home in any residential zoned district in the Town of Lakeside without registering as here provided.

(B) Home occupations shall be permitted as an accessory use in single-family residential zoning districts provided that they comply with all restrictions herein.

(C) The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of the residential dwelling, and performance of the occupation activity shall not be visible from the street.

(D) Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 20% of the dwelling unit. In no case shall the floor area utilized for a home occupation exceed 500 square feet.

(E) Activities are limited to the living portion of a house, or its attached or detached garage. An accessory building cannot be used in conjunction with a home based business.

(F) Not more than two patron, employee or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located.

(G) One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback.

(H) The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification.

(I) There shall be no outside storage or outside display related to the home occupation (one trailer less than 20 feet long parked in the driveway is not considered outside storage).

(J) No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or a vocation which is conducted solely for pleasure and not for profit or financial gain.

(K) The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.

(L) The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.

(M) The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means. Advertising on vehicles is permitted.

(N) The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing and the like).

(O) The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

(Ord. 314, passed 6-22-2010) Penalty, see § [150.99](#)

§ 150.92 APPLICABILITY OF OTHER REGULATIONS.

Home occupations shall also be subject to any and all other provisions of local, state and/or federal regulations and laws that govern such uses.

(Ord. 314, passed 6-22-2010)

§ 150.93 USES ALLOWED AS HOME OCCUPATIONS.

Subject to provision of § [150.90](#), home occupations may include the following uses:

(A) Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

(B) Author, artist or sculptor;

(C) Dressmaker, seamstress or tailor;

(D) Music/dance teacher, or similar types of instruction; provided instruction shall be limited to no more than six pupils at a time;

(E) Individual tutoring and home schooling;

(F) Millinery;

(G) Office facility of a minister, rabbi, priest or other clergyman;

(H) Home crafts, such as rug weaving, model making and the like;

(I) Office facility of a salesman, sales or manufacturer's representative, etc. provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

(J) Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

(K) Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations;

(L) Family homes that are registered in compliance with applicable state laws, which are incorporated herein by reference (see definition in § [151.042](#) of the zoning code).

(M) Barber shop/beauty salon or manicure studio, provided that no more than one customer is served at a time; and

(N) Swimming lessons and water safety instruction, provided that such instruction involves no more than six pupils at any one time.

(Ord. 314, passed 6-22-2010) Penalty, see § [150.99](#)

§ 150.94 USES PROHIBITED AS HOME OCCUPATIONS.

Home occupations shall not, in any event, be allowed to include the following uses:

- (A) Animal hospitals, or clinics, commercial stables, or kennels;
- (B) Schooling or instruction, except swimming/water safety classes and home schooling, with more than six pupils at a time;
- (C) Restaurants or on-premises food or beverage (including private clubs) consumption of any kind, except for limited food/meal consumption with the operation of a licensed registered family home;
- (D) Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- (E) Office facility for a doctor, dentist, veterinarian or other medical-related profession;
- (F) On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this subchapter, and except for occasional garage sales;
- (G) Commercial clothing laundering or cleaning;
- (H) Mortuaries or funeral homes;
- (I) Trailer, vehicle, tool or equipment rentals;
- (J) Repair shops or services, except as specifically provided in § [150.93](#);
- (K) Drapery or furniture upholstery shops;

- (L) Antique, gift or specialty shops;
- (M) Repair shops for any items having internal combustion engines;
- (N) Any use that would be defined by the building code as an assembly, factory/industrial, hazardous, institutional or mercantile occupancy.

(Ord. 314, passed 6-22-2010) Penalty, see § [150.99](#)

§ 150.95 HOME OCCUPATION USES NOT CLASSIFIED.

Any use that is not either expressly allowed nor expressly prohibited by §§ [150.93](#) or [150.94](#), respectively, is considered prohibited unless and until such use is classified by amendment to this subchapter by the Town of Lakeside City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

(Ord. 314, passed 6-22-2010)

§ 150.96 EFFECT ON EXISTING HOME OCCUPATIONS.

(A) Any home occupation that was legally in existence at the effective date of this subchapter and that is not in full conformity with the provisions herein shall come into compliance within 90 days of the effective date of this subchapter, including registration requirements as provided herein.

(B) Any home occupation that was legally in existence as of the effective date of this subchapter and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, so long as same is registered with the town as provided herein.

(Ord. 314, passed 6-22-2010)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

(B) (1) Any person who shall violate any provision of § [150.01](#) shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense. This penalty provision is cumulative of any and all rights the town has to enforce § [150.01](#) through any lawful means, including legal action seeking injunctive or other appropriate relief.

(2) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the town, with a representative of a town department, with monitoring equipment, or with a person who has been ordered to abate a situation pursuant to § [150.01](#) and who is lawfully engaged in the abatement is guilty of a misdemeanor and, upon conviction, is punishable by a fine as provided hereinabove.

(3) In addition to proceeding under authority of divisions (A)(1) and (A)(2) above, the town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of § [150.01](#).

(C) The owner of any structure who fails to post and maintain a street number address as set out in § [150.03](#) shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$200. Each day that a violation continues shall be deemed a separate offense and punishable as same.

(D) Any person, firm, or corporation or others violating any provision of § [150.06](#) shall be guilty of a misdemeanor, and, if convicted, shall be fined not to exceed \$100. Every day that the violation continues shall constitute, and be punishable as, a separate offense. The town may also bring suit for injunction against any person, firm, or corporation who shall violate or threaten to violate any of the provisions of this section.

(E) It shall be unlawful and an offense for any person to violate or fail to comply with any provisions of § [150.20](#), irrespective of whether or not the verbiage of each section hereof contains the specific language that the violation or failure to comply is unlawful and is an offense. Any person who shall violate any of the provisions of § [150.20](#) or any of the provisions of a permit or license issued pursuant hereto, or who shall fail to comply with the terms hereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be fined in the sum not to exceed \$500, and the violation of each separate provision thereof shall be considered a separate offense. Each day's continuance of a failure to comply herewith shall constitute a separate and distinct offense for each of the days.

(F) It shall be unlawful and an offense for any person to violate or fail to comply with any provisions of §§ [150.80](#) through [150.83](#) irrespective of whether or not the verbiage of each section thereof contains the specific language that such violation or failure to comply is unlawful and is an offense. Any person who shall violate any of the provisions of §§ [150.80](#) through [150.83](#) or any of the provisions of a permit issued pursuant thereto, or who shall fail to comply with the terms thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be fined in the sum not to exceed \$2000 and the violation of each separate provision thereof shall be considered a separate offense. Each day's continuance of a failure to comply herewith shall constitute a separate and distinct offense.

(G) (1) Any person, firm, or corporation violating any of the provisions of §§ [150.90](#) through [150.96](#) for which no specific penalty is provided, shall be guilty of a misdemeanor and, upon final conviction thereof shall be fined in a sum of not less than \$50 nor more than \$1,000 for each offense. Each day the violation continues to exist shall constitute a separate violation.

(2) (a) Any person who shall violate any of the specific provisions of §§ [150.90](#) through [150.96](#) or any of the provisions of a permit issued pursuant thereto, or who shall fail to comply with the terms thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be fined in accordance with Texas law and the violation of each separate provision thereof shall be considered a separate offense.

(b) Each day's continuance of a failure to comply therewith shall constitute a separable and distinct offense for each of said days.

(c) The town is not restricted to the imposition of fines as provided herein as its only means of enforcement of §§ [150.90](#) through [150.96](#). The town may enforce the terms of §§ [150.90](#) through [150.96](#) through judicial process as well, including, but not limited to, injunctive

relief. The use of one form of enforcement does not stop or prohibit the town from using other forms of enforcement as well.

(3) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative may enter at reasonable times, any buildings, structures, or premises in the Town of Lakeside to perform any duties imposed upon him or her by §§ [150.90](#) through [150.96](#).

(Ord. 22, passed 5-2-1961; Ord. 91, passed 4-8-1980; Ord. 104, passed 3-6-1984; Ord. 178, passed 11-9-1995; Ord. 199, passed 11-12-1998; Ord. 212, passed 1-13-2000; Ord. 272, passed 12-15-2005; Ord. 273, passed 2-9-2006; Ord. 313, passed 6-22-2010; Ord. 314, passed 6-22-2010; Ord. 377, passed 10-9-2014)