



Zoning Staff Report

Date: October 21, 2025

Case Number: ZC-25-138

District: All

Zoning Map Amendment

Case Manager: [Stephen Murray](#)

Owner / Applicant: City of Fort Worth

Site Location: Text Amendment

Acreage: NA

Request

Proposed Use: Home Occupation Text Amendment

Request: An Ordinance Amending The Zoning Ordinance Of The City Of Fort Worth, Being Ordinance No. 21653, As Amended, Codified As Appendix "A" Of The Code Of The City Of Fort Worth, By Amending Chapter 5, Supplemental Use Standards," Article I, "Standards For Selected Uses," To Amend Section 5.116.A "Home Occupations" To Revise The Supplemental Use Standards To Clarify That All Activities Related To Home Occupations Should Not Be Visible From The Street, That Home Occupations Are Subject To The Provisions Of The Noise Ordinance, That The Number Of Employees, Clients/Patrons And Family May Not Exceed The Occupancy Limits For The Dwelling Unit; Removing Requirement For Council Approval For A Certain Number Of Employees And Removing The Limitation On Direct Sales

Recommendation

Staff Recommendation:

Approval

Zoning Commission Recommendation:

Approval by a vote of 11-0

Table of Contents

1. [Project Description and Background](#)
2. [Recent Zoning History](#)
3. [Proposed Ordinance](#)

Project Description and Background

The information below provides the proposed changes to the home occupation ordinance.

Section 5.116.A HOME OCCUPATIONS

- a) Home occupations may be permitted as an incidental use and is secondary to the use of a dwelling in accordance with the use table in Chapter 4, Article 6, subject to the following conditions:
- (1) All home occupations must be conducted entirely from within the principal dwelling and attached garage or one accessory building, except for home occupations that are outdoor activities as described below. Activities must not be visible from the street.
 - (2) The number of employees working at a home occupation shall not exceed, in combination with the family or other residents living in the dwelling unit and customers of the home occupation, the permitted occupancy of the dwelling unit. Use as a home occupation is limited to the members of the family or other residents residing in the dwelling unit and one additional employee. Employees that do not visit the home as part of their job are excluded from this provision. Provided however, up to five employees may be permitted if approved by the City Council. In reviewing such a request, the City Council may consider the following:
 - a. ~~The reason for request;~~
 - b. ~~The impact on the character of the neighborhood;~~
 - c. ~~Availability of on-site parking and number of employee vehicles;~~
 - d. ~~Hours when employees will be located on site;~~
 - e. ~~Whether the home occupation is conducted entirely inside the dwelling unit; and~~
 - f. ~~The consent of the majority of property owners of the one or two family residential property along both sides of the block face.~~
 - (3) Outdoor activities:
 - a. Performance of the activity shall not be visible from the street.
 - b. Performance of outdoor activity shall be solely located and contained in the rear yard.
 - c. Operation of hours for outdoor activities shall be between the hours of 8:00 a.m. and 8:00 p.m.
 - d. For swimming lessons and water safety instruction, provided that such instruction involves no more than four pupils at any one time; and
 - e. Participants must have access to a permanent restroom facility in the principal dwelling unit, attached garage or an accessory building connected to water and sewer.

- (4) *Traffic.* No vehicular traffic shall be generated by the home occupation business in greater volumes than would reasonably be expected in the residential neighborhood or create unreasonable parking or traffic congestion for the abutting or adjoining neighbors or for the immediate neighborhood. Any parking of vehicles must be consistent with city ordinances. Any parking or traffic of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, shall be considered unreasonable. It shall be a defense to prosecution under this subsection (a) that the parking or traffic created was reasonable under the totality of the circumstances existing in the neighborhood. Upon request of the residents of the neighborhood, a representative from the transportation and public works department shall review the traffic impacts to the neighborhood and, if applicable, refer the review to the traffic management program.
- (5) *Accessory and secondary.* The use must be clearly incidental and secondary to the residential use of the dwelling and may not alter the existing residential character of the principal dwelling or the garage/accessory building. A home occupation that requires structural alteration of the principal dwelling or garage/accessory building to comply with nonresidential construction code is prohibited, except for accessibility requirements.
- (6) *Appearance.* A change in the outside appearance of the dwelling unit or lot indicating the use or conduct of a home occupation, including advertising signs or displays is prohibited. All equipment, goods, wares, merchandise or materials associated with home occupation, including equipment, goods, wares, merchandise or materials located in or on vehicles, must not be visible from any public street or public right-of-way or from other locations off the premises.
- ~~7) *Direct sales.* The direct sale of commodities, goods, wares, materials, merchandise or products to the general public is prohibited, however orders may be filled on the premises to persons by prior individual oral or written invitation or if placed earlier by a customer by phone, mail, internet or off-site sales parties. Products from a cottage food production operation as defined in the Tex. Health and Safety Code § 437.001(2-b) may be sold directly to the consumer.~~
- 8) ~~(7)~~ *Signs.* Home occupations must not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the dwelling through audio or visual means.
- a. All on-site advertising that is visible from any public street or public right-of-way or from other locations off the premises, other than advertising located on vehicles, is prohibited. For the purposes of this subsection (a)(6), VEHICLE is defined as a passenger automobile, passenger van, motorcycle or pick-up truck. All advertising on vehicles shall be mounted flat against or painted on the vehicle and shall not refer to the street address of the home occupation business.
- b. All off-site advertising, including signs, displays, billboards, television, radio and/or any other advertising medium uses that refers to the street address is prohibited, other than business stationery, business cards, the home occupation business website, newsletters and applicable trade directories.
- 9) ~~(8)~~ *Nuisance.* No machinery or equipment shall be permitted that produces noise, noxious odor, dust, smoke, fumes, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. ~~No use shall generate noise or glare in~~

~~excess of what is typical in a residential neighborhood.~~ No combustible materials shall be permitted on the premises that are in violation of the city's fire code.

(9) Noise. A home occupation is subject to the maximum decibel levels for residential districts in City Code, Section 23-8 and shall not substantially increase noise in excess of what is typical in a residential neighborhood.

- b) The operation of detail, auto repair, paint or body shop business, including, but not limited to, a boat, motorcycle, trailer or auto shop business, shall not be permitted as a home occupation.
- c) A home school shall not be considered a home occupation and shall not be subject to the regulations of this section.
- d) ~~A home occupation is permitted as an incidental use and is secondary to the use of a dwelling. The city council may, at any time, amend this ordinance to terminate any or all home based business uses without creating nonconforming rights to the continuance of a home based business.~~



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 21653, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 5, SUPPLEMENTAL USE STANDARDS," ARTICLE I, "STANDARDS FOR SELECTED USES," TO AMEND SECTION 5.116.A "HOME OCCUPATIONS" TO REVISE THE SUPPLEMENTAL USE STANDARDS TO CLARIFY THAT ALL ACTIVITIES RELATED TO HOME OCCUPATIONS SHOULD NOT BE VISIBLE FROM THE STREET, THAT HOME OCCUPATIONS ARE SUBJECT TO THE PROVISIONS OF THE NOISE ORDINANCE, THAT THE NUMBER OF EMPLOYEES, CLIENTS/PATRONS AND FAMILY MAY NOT EXCEED THE OCCUPANCY LIMITS FOR THE DWELLING UNIT; REMOVING REQUIREMENT FOR COUNCIL APPROVAL FOR A CERTAIN NUMBER OF EMPLOYEES; AND REMOVING THE LIMITATION ON DIRECT SALES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code authorizes the governing body of a municipality to adopt zoning regulations to promote the public health, safety, morals, and general welfare; and

WHEREAS, Home Occupations are an allowed use in all residential zoning districts subject to supplemental use standards as provided in Section 5.116A, which ensure that Home Occupations are compatible with the residential use of the property and secondary to the use of the property as a residential dwelling, and operating in accordance with existing regulations related to health, sanitation, transportation, traffic control, pollution, noise control, and the general welfare;

WHEREAS, the 89th Texas State Legislature enacted House Bill (HB) 2464 amending Section 229.902 of the Local Government Code, limiting municipal authority to regulate home-based business that are considered "No-Impact Home-Based Businesses" (NIHBB); and

WHEREAS, HB 2464 prohibits cities from adopting or enforcing an ordinance that prohibits the operation of a NIHBB, requiring a permit or zoning change to operate a NIHBB, and requiring a fire sprinkler protection system if the business only consists of residential structures; and

WHEREAS, City staff recommends that amending the regulations of the Zoning Ordinance concerning Home Occupations to comply with HB 2464's provisions; and

WHEREAS, the Zoning Commission has reviewed the proposed amendments and recommends amending the Zoning Ordinance as proposed; and

WHEREAS, City Council agrees with the staff and Zoning Commission's recommendation to amend the regulations of the Zoning Ordinance concerning Home Occupations to comply with HB 2464's provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS

SECTION 1.

Chapter 5 "Supplemental Use Standards" of Ordinance No. 21653, the Zoning Ordinance of the City of Fort Worth, Article 1, "Standards for Selected Uses", Section 5.116.A "Home Occupations", is hereby amended in its entirety and shall read as follows:

Section 5.116.A HOME OCCUPATIONS

- a) Home occupations may be permitted as an incidental use and is secondary to the use of a dwelling in accordance with the use table in Chapter 4, Article 6, subject to the following conditions:
- (1) All home occupations must be conducted entirely from within the principal dwelling and attached garage or one accessory building, except for home occupations that are outdoor activities as described below. Activities must not be visible from the street.
 - (2) The number of employees working at a home occupation shall not exceed, in combination with the family or other residents living in the dwelling unit and customers of the home occupation, the permitted occupancy of the dwelling unit. Use as a home occupation is limited to the members of the family or other residents residing in the dwelling unit and one additional employee. Employees that do not visit the home as part of their job are excluded from this provision. Provided however, up to five employees may be permitted if approved by the City Council. In reviewing such a request, the City Council may consider the following:
 - a. ~~—The reason for request;~~
 - b. ~~—The impact on the character of the neighborhood;~~
 - c. ~~—Availability of on-site parking and number of employee vehicles;~~
 - d. ~~—Hours when employees will be located on site;~~
 - e. ~~—Whether the home occupation is conducted entirely inside the dwelling unit; and~~

~~f. The consent of the majority of property owners of the one or two family residential property along both sides of the block face.~~

(3) Outdoor activities:

- a. Performance of the activity shall not be visible from the street.
- b. Performance of outdoor activity shall be solely located and contained in the rear yard.
- c. Operation of hours for outdoor activities shall be between the hours of 8:00 a.m. and 8:00 p.m.
- d. For swimming lessons and water safety instruction, provided that such instruction involves no more than four pupils at any one time; and
- e. Participants must have access to a permanent restroom facility in the principal dwelling unit, attached garage or an accessory building connected to water and sewer.

(4) *Traffic.* No vehicular traffic shall be generated by the home occupation business in greater volumes than would reasonably be expected in the residential neighborhood or create unreasonable parking or traffic congestion for the abutting or adjoining neighbors or for the immediate neighborhood. Any parking of vehicles must be consistent with city ordinances. Any parking or traffic of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, shall be considered unreasonable. It shall be a defense to prosecution under this subsection (a) that the parking or traffic created was reasonable under the totality of the circumstances existing in the neighborhood. Upon request of the residents of the neighborhood, a representative from the transportation and public works department shall review the traffic impacts to the neighborhood and, if applicable, refer the review to the traffic management program.

(5) *Accessory and secondary.* The use must be clearly incidental and secondary to the residential use of the dwelling and may not alter the existing residential character of the principal dwelling or the garage/accessory building. A home occupation that requires structural alteration of the principal dwelling or garage/accessory building to comply with nonresidential construction code is prohibited, except for accessibility requirements.

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home occupation, including equipment, goods, wares, merchandise or materials located in or on vehicles, must not be visible from any public street or public right-of-way or from other locations off the premises.

~~7) Direct sales. The direct sale of commodities, goods, wares, materials, merchandise or products to the general public is prohibited, however orders may be filled on the premises to persons by prior individual oral or written invitation or if placed earlier by a customer by phone, mail, internet or off site sales parties. Products from a cottage food production operation as defined in the Tex. Health and Safety Code § 437.001(2-b) may be sold directly to the consumer.~~

8) (7) Signs. Home occupations must not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the dwelling through audio or visual means.

a. All on-site advertising that is visible from any public street or public right-of-way or from other locations off the premises, other than advertising located on vehicles, is prohibited. For the purposes of this subsection (a)(6), VEHICLE is defined as a passenger automobile, passenger van, motorcycle or pick-up truck. All advertising on vehicles shall be mounted flat against or painted on the vehicle and shall not refer to the street address of the home occupation business.

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9) (8) Nuisance. No machinery or equipment shall be permitted that produces noise, noxious odor, dust, smoke, fumes, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. ~~No use shall generate noise or glare in excess of what is typical in a residential neighborhood.~~ No combustible materials shall be permitted on the premises that are in violation of the city's fire code.

(9) Noise. A home occupation is subject to the maximum decibel levels for residential districts in City Code, Section 23-8 and shall not substantially increase noise in excess of what is typical in a residential neighborhood.

b) The operation of detail, auto repair, paint or body shop business, including, but not limited to, a boat, motorcycle, trailer or auto shop business, shall not be permitted as a home occupation.

c) A home school shall not be considered a home occupation and shall not be subject to the regulations of this section.

- d) ~~A home occupation is permitted as an incidental use and is secondary to the use of a dwelling. The city council may, at any time, amend this ordinance to terminate any or all home based business uses without creating nonconforming rights to the continuance of a home based business.~~

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896, 21653 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 7.

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: _____
Amarna Muhammad,
Assistant City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: _____

EFFECTIVE: _____