

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS AMENDING THE ORANGE CODE OF ORDINANCES CHAPTER 12 “PLANNING AND ZONING” SECTION 12.611(7) “HOME OCCUPATIONS” IN ITS ENTIRETY; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND OTHER MATTERS**

**WHEREAS**, the Orange Code of Ordinances Chapter 12 “Planning and Zoning”, Section 12.611(7) “home occupations” regulates conducting commercial activities in residential structures located in residential zoning districts; and

**WHEREAS**, during the 89<sup>th</sup> Regular Session of the Texas Legislature, the Legislature passed, and the Governor signed, H.B. 2464 pertaining to municipal regulation of home-based businesses; and

**WHEREAS**, the Planning and Zoning Commission and City Council conducted a joint public hearing on October 7, 2025 to receive public input on amending Chapter 12 Section 12.611(7) “Home Occupations”; and

**WHEREAS**, the Planning and Zoning Commission on October 7, 2025 voted 5-0 to recommend that the Orange Code of Ordinances Chapter 12, Section 12.611(7) be amended in its entirety as provided for in Exhibit “A” attached to this Ordinance; and

**WHEREAS**, the City Council has determined that the provisions of this Ordinance is consistent with the Comprehensive Master Plan; and

**WHEREAS**, the City Council has determined that the provisions of this Ordinance promotes the public health, safety, and welfare; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE, TEXAS**

**Section 1.** That, the Orange Code of Ordinances Chapter 12 “Planning and Zoning” Section 12.611(7) “Home Occupations” is hereby amended in its entirety to read as provided for in Exhibit “A” attached to this Ordinance.

**Section 2.** That “Exhibit “A” is hereby incorporated into this Ordinance as though written verbatim.

**Section 3.** That, all Ordinances that are in conflict with the provisions of this Ordinance be repealed to the extent of such conflict and all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.


**Section 4.** That, it is expressly ordained that if any section, subsection, clause, sentence or paragraph of this Ordinance shall be found to be illegal, invalid or void by any court of competent jurisdiction, then such findings shall not affect the remaining portions of this ordinance, but the same shall be valid and in effect, it being the expressed intention of the City Council of the City of Orange, Texas, to pass each and every sentence, clause, paragraph, or section individually.

**Section 5.** That, any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed the maximum amount allowed by the City of Orange Code of Ordinances Chapter 1 "General Provisions" Section 1.106 "General Penalty for Code Violations" of the City of Orange Code of Ordinances. In addition to the criminal offense and penalties prescribed in this section, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits. Any person found guilty of violating the provisions of this section shall become liable to the city for any expense, loss, or damage incurred by the city by reason of remediating such violation.


**Section 6.** This ordinance shall become effective upon second and final reading and publication as required by State law and the City Charter.

**PASSED AND APPROVED** on first reading this the 14th day of October, 2025.

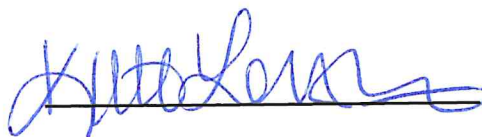
**PASSED, APPROVED AND ADOPTED** on final reading this the 28th day of October, 2025.

  
Larry Spears Jr., Mayor

**ATTEST:**

  
Patricia Anderson, City Secretary

**APPROVED AS TO FORM:**

  
City Attorney

## Exhibit A

### (7) Home-based Businesses and No-Impact-Home-Based-Businesses

#### (A). Definitions

(1). *Home based business (HBB)* shall mean a business that is operated:

- (a). From a residential property; and
- (b). By the owner or tenant of the property; and
- (c). For the purpose of manufacturing, providing, or selling a lawful good or providing a lawful service.

(2). *No-impact-home-based-business (NIHBB)* shall mean a HBB 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 city's 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 City of Orange noise ordinance, regulation, or rule.

(B). A HBB, as defined above, shall:

(1). Comply with federal, state, and local law, including all City of Orange fire and building codes and ordinances, City of Orange health and sanitation codes and ordinances, transportation or traffic control codes and ordinances, solid or hazardous waste codes and ordinances, and pollution codes and ordinances;

(2). Be compatible with the residential use of the property where the business is located;

(3). Be secondary to the use of the property as a residential dwelling.

(C). Prohibitions. A HBB, as defined above, shall not

- (1). Sell alcohol or illegal drugs;
- (2). Be used as a structure sober living home; or,
- (3). Conduct a sexually oriented business.

**MEMORANDUM**

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**To:** Michael Kunst, City Manager

**From:** Kelvin Knauf, Director of Planning and Community Development

**Subject:** Consider a recommendation to the City Council concerning an ordinance amending Chapter 12 "Planning and Zoning" Section 12.611(7) "Home Occupations" in its entirety

**Date:** October 16, 2025

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Recently, the Texas Legislature passed, and the Governor signed House Bill 2464 pertaining to home-based businesses. This is a new State law concerning people operating businesses out of their homes.

Attached for your consideration is a draft ordinance to amend the Code of Ordinances Chapter 12 Section 12.611(7) to reflect the provisions of the new State law. The new law doesn't vary much from our current Home Occupations ordinance, but we are recommending adopting the new law into the Code of Ordinances so that we are consistent with the new law.

This ordinance was approved on first reading on October 14, 2025.