



CITY OF NATALIA

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HOME OCCUPATION PERMIT APPLICATION

NON-REFUNDABLE FEE: \$200.00

This form is used for residential occupants to request to occupy portions of a dwelling for an occupation or activity carried by a member of the immediate family residing on the premises. Applications for a home occupation permit shall be completed by each person having or desiring to have a home occupation, and submitted to the City Administrator for review. If the home occupation is one that is specifically authorized, upon verification by the City Administrator, a home occupation permit to the applicant will be issued.

If the applicant desires a home occupation that is not listed as specifically authorized and a determination cannot be made by the authorized city staff, or the requested home occupation is listed as unauthorized or prohibited occupation, the City Administrator will accept the application and submit the application to the Planning and Zoning Commission for their determination at a scheduled meeting date and time for which the home occupation permit application will be reviewed and considered.

Any permit granted will only be applicable to the specific site, conditions, or purpose for which applies to the request, and will not modify or change any conditions applied to other noncompliance standards of the site or property, and in some cases are not transferrable.

Property Address of Request: _____

Lot(s): _____ Block: _____ Subdivision: _____ Zoning: _____

Proposed Use of Property: _____

Requestor's Name: _____

Property Owner's Name, if different: _____

Mailing Address: _____

City/State/Zip: _____ Phone: _____

Email Address: _____ Fax: _____

HOME OCCUPATIONS AUTHORIZED LISTING (Please check applicable occupation):

- ☐ Physician or Practitioner's Office
- ☐ Attorney's Office
- ☐ Accountant, Tax, or Finance Consultant Office
- ☐ Architectural or Engineering Office
- ☐ Professional or Managerial Consultant Office
- ☐ Sales Agents or Real Estate Office
- ☐ Seamstress, Tailor or Dressmaker
- ☐ Fine Art, Crafts and Sculpting Trades & Lessons
- ☐ Dance and Music/Instrument Trades & Lessons

Any other type of home occupation not listed in considered unauthorized, unless specifically detailed and sufficient evidence or statements are provided to the Planning and Zoning Commission for review and consideration.

Occupation or Use: _____

INFORMATION NEEDED FROM REQUESTOR:

- Requestor should supply plat plans, building site plans, pictures and/or maps of the area and site of occupation.
- Applicant shall provide a written affidavit agreeing to follow the requirements of the City of Natalia Zoning Ordinance regulating the restrictions and compliance of home occupations. (Example A)
- Applicant must obtain a signed statement signed by each property owner within two hundred (200) feet of the property for which the home occupation is being considered. (Example B)
- Applicant who is renting the property on which the home occupation permit is requested shall obtain a written and notarized statement from the property owner making statement that he/she has no objection of the home occupation use on the property. Any objection by property owner, or refusal to obtain a notarized written statement from property owner, shall cause application not to be accepted or considered further. This statement shall accompany the home occupation permit application. (Example C)

BUSINESS INFORMATION:

Federal Tax Identification No. _____/or/ Employer Identification No. (EIN) _____

Date to Open Business: _____ Hours of Operation: _____ Number of Employees: _____

Circle Days of Operation: Sunday Monday Tuesday Wednesday Thursday Friday Saturday

DOES YOUR BUSINESS INVOLVE ANY OF THE FOLLOWING USES (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Painting with flammables | <input type="checkbox"/> Dust producing process | <input type="checkbox"/> Food and/or beverage storage or sales |
| <input type="checkbox"/> Combustible Fibers | <input type="checkbox"/> Explosives/Ammunition | <input type="checkbox"/> Food products |
| <input type="checkbox"/> Cellulose Nitrate Film | <input type="checkbox"/> Recycling Waste | <input type="checkbox"/> High piled stock (over 12' in height) |
| <input type="checkbox"/> Compressed Gas | <input type="checkbox"/> Magnesium | <input type="checkbox"/> Poisonous or hazardous chemicals |
| <input type="checkbox"/> Liquid Propane Gas | <input type="checkbox"/> Vehicles in Building | <input type="checkbox"/> X-ray Development |
| <input type="checkbox"/> Vehicle Repair Garage | <input type="checkbox"/> Woodworking | |
| <input type="checkbox"/> Welding or Cutting | <input type="checkbox"/> Flammable/combustible liquids | |
| <input type="checkbox"/> Dry Cleaning Solvents | <input type="checkbox"/> Floor drains in building | |

****Provide any and all chemical data sheets listing the maximum quantity of all flammable or hazardous materials.****

QUESTIONNAIRE (Written responses must be attached to application.):

1. Provide a statement, in detail, of the type of business and how it will be operated.
2. Will customers come to the home? If so, how often, and how many customer do expect per day?
3. Will any products be sold at the home? If so, explain.
4. Will materials and supplies used for the purpose of the home occupation be delivered to your home? If so, how often?
5. Will the home occupation be conducted entirely within the home? If not, explain.
6. What percent, square footage, or number of rooms will be used for operation of the home occupation?
7. Will there be any external evidence of a home occupation being operated; such as, additional vehicles, parking spaces, equipment or materials stored or parked outside the premises? If so, explain.

8. Will there be any signs advertising the home occupation? If so, where exactly, and what size?
9. How many people live inside the dwelling of which a home occupation is in operation? How many dwelling occupants will work the home occupation?

CERTIFICATION OF APPLICATION AND ACKNOWLEDGEMENT

I understand that if my home occupation application is approved, the permit remains valid for a one (1) year period as long as the conditions remain the same as existed at the time the permit was issued or otherwise granted.

I understand that my request may take up to 45-days to schedule a hearing to review application, and that my presence is required at the meeting scheduled to consider my application.

I understand that additional conditions, limitations and safeguards may be imposed, as deemed appropriate upon granting any home occupation permit, and that all premises of the home occupation shall be made available for inspection at any time by an authorized city official to enter and inspect the premises to insure compliance, fulfillment, existence, or validity of the home occupation; and such noncompliance is cause for termination of the home occupation.

Signature of Requestor: _____

Date Submitted: _____

FOR CITY OF NATALIA OFFICE USE

Application Received by Name/Title: _____ Date: _____

Date City Administrator, Code Compliance, or City Official visited the site: _____

☐ **PERMIT GRANTED**

☐ **PERMIT DENIED**

☐ **APPLICATION FORWARD TO P&Z FOR REVIEW**

Placed for Consideration at a P&Z Commissioner's Meeting on Date: _____ Time: _____

Authorized Signature: _____

Date Signed: _____

P&Z Commissioner Chair/Vice-Chair

☐ **PERMIT GRANTED**

☐ **PERMIT DENIED**

If application is denied, P&Z Commission shall notify applicant within five (5) days in writing of the disapproval and reason thereof, and provide notice of their rights to appeal the decision to the City Council.

Applicant may file a written request for an appeal with the City Administrator within ten (10) days from the date of the denial letter issued by the Planning & Zoning Commission. The City Administrator will place the appeal on the next regular City Council meeting agenda so long as the written appeal is received prior to posting requirements.

APPLICATION FOR HOME OCCUPATION PERMIT.

Home Occupation means any occupation or activity which is clearly incidental and secondary to the residential use of the premises and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises and which does not change the character thereof. However, such use will not be obnoxious or offensive due to vibration, smoke, dust, odor, heat, glare, noise or which increases traffic.

- A. Applications for a home occupation permit are available upon request with the City Administrator, and shall be completed by each person having or desiring to have a home occupation. If the home occupation is one that is specifically authorized, upon verification by the City Administrator, a home occupation permit to the applicant will be issued. If the requested home occupation is a type that may be reasonably included as being authorized, the code enforcement official is authorized to make the determination and make recommendation of approval to the City Administrator to issue a home occupation permit.
- B. If the applicant desires a home occupation that is not listed as specifically authorized and a determination cannot be made by the authorized city staff, or the requested home occupation is listed as unauthorized or prohibited occupation, the City Administrator will accept the application and submit the application to the Planning and Zoning Commission for their consideration.
- C. When an application is required to be submitted to the Planning and Zoning Commission, a meeting shall be scheduled not later than forty-five (45) days from date application is received. The City will advise the applicant of the date of meeting at which the application will be considered by the commission, and the applicant is required to be present at that meeting for the application to be considered.
- D. The Planning and Zoning Commission, after evaluation and consideration of the application, is authorized to make an interpretation that the requested home occupation is within the realm of intent of those types of home occupations that may be authorized in the city.
- E. If the requested home occupation is a type that is listed as unauthorized or prohibited, the Planning and Zoning Commission may grant an exception and authorize the City Administrator to issue a home occupation permit. However, the applicant must submit to the Planning and Zoning Commission sufficient evidence that will support granting an exception. Applicant must obtain a signed statement by each property owner within 200 feet of the property on which the home occupation is to occur, stating that said property owner has no objection to the existence of the proposed home occupation. Exhibits A and B are herein attached for applicant's use or reference.
- F. If the Planning and Zoning Commission disapproves the application for a home occupation permit, within five (5) days, that commission shall notify applicant in writing of the disapproval and the reason therefor. The letter should advise the applicant of their right to appeal the decision to the City Council.
- G. An applicant who is renting the property on which a home occupation permit is requested will obtain a written statement from the owner of the property. The owner will state that he has no objection for the home occupation on the property. This statement will accompany the application for a home occupation. An application which indicates objection by the property owner will not be accepted. Exhibit C is herein attached for applicant's use or reference.

HOME OCCUPATION PERMIT TERMINATION.

- A. Once issued by the city, a home occupation permit remains valid for a period of one year and remains so, as long as the conditions remain the same as existed at the time the permit was issued or this chapter is revised or amended to reflect otherwise.
- B. The city building inspector and/or code enforcement official is authorized to periodically, at least annually, enter the premises that the home occupation is located to ensure that compliance with this chapter is being fulfilled. If compliance does not exist, the city may terminate the validity of the home occupation permit at that time.
- C. If a home occupation permit is terminated by the building inspector, or code enforcement official, the person having had permit terminated must reapply for a permit under the conditions and procedures established by this division for the issuance of a home occupation permit.

COMPATIBLE REQUIREMENTS.

The purpose of this section is to permit the conduct of home occupations which are compatible with the neighborhoods in which they are located. Some home occupations are a permitted accessory use in a residential district and are subject to the requirements of that district in which the use is located, in addition to the following:

- (1) Home occupations are authorized within the city according to the provisions of this division. A home occupation is defined as any occupation or activity carried on by a member or members of the immediate family residing on the premises, and that no other person will be employed for the home occupation other than a member of the immediate family residing on the premises.
- (2) Not more than four (4) square feet, non-illuminating, sign depicting the home occupation, may be attached to the main dwelling; no exterior display of any kind shall be placarded to indicate that the building is being utilized in part for any purpose other than that of a dwelling.
- (3) The home occupation shall be conducted wholly within an enclosed area of the dwelling unit, garage or accessory building. No storage or display of materials, goods, supplies or equipment related to the operations of the home occupation shall be visible outside any structure located on the premises.
- (4) No more than twenty-five (25%) percent of a one (1) story area of the principal building shall be devoted to the home occupation.
- (5) There shall be no exterior alteration which change the character of the dwelling, land use, or zoning thereof, depicting evidence of a home occupation other than the sign permitted.
- (6) No home occupation operations shall create smoke, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use in the district.
- (7) No home occupation shall cause significant increase in vehicular traffic, flow or parking, and shall not create a neighborhood disruption, or cause greater pedestrian traffic than normal for the district.
- (8) No home occupation shall cause significant increase in the use of any utilities, or generate garbage beyond the normal average within a residential dwelling of the district.

SPECIFICALLY AUTHORIZED HOME OCCUPATIONS

It is recognized that not all authorized types of home occupations can be listed; and any use considered not in the scope of the home occupation provisions shall be subject to review by the Planning and Zoning Commission and/or City Council.

The following types of home occupations are specifically authorized in the city:

- (1) Office of attorneys, accountants, tax consultant, architects, engineers, professional and managerial consultants, salespersons, real estate agents, insurance agents, notary public, or other similar administrative office occupations.
- (2) Dressmaker, seamstress, tailor.
- (3) Author, composer, painter (fine art), sculptor.
- (4) Music or dance teacher, tutor. Musical instructor is limited to not more than two pupils at a time.
- (5) Arts and crafts such as making of stained glass, ceramics, jewelry repair or similar service, rug weaving.
- (6) Making and renovation of musical instruments.

PROHIBITED OCCUPATIONS

It is recognized that not all unauthorized types of home occupations can be listed; however, the following types of home occupations are specifically not authorized in the city:

- (1) Occupations that require equipment which creates noise, vibration, smoke, dust, odors, heat or glare, any of which is offensive to persons of ordinary sensibility in the neighborhood.
- (2) Barbershop and beauty shop/parlor, hair stylist.
- (3) Any motor or auto repair shop, and medium and heavy appliance repair etc., including electric or gas mowers, electric motors (over one-horsepower rating), outboard and inboard boat motors, motorcycles.
- (4) Clinic or hospital.
- (5) Stable or kennel.
- (6) Animal clinic or hospital.
- (7) Antique or Gift shop.
- (8) Restaurant, catering service or any food preparation for sale elsewhere or on premises.
- (9) Renting of trailers.
- (10) Tourist home.
- (11) Grooming of pets.
- (12) Retail sales outlet.
- (13) Tattoo parlor/business.
- (14) Sexually oriented business.

AFFIDAVIT

TO WHOM IT MAY CONCERN,

I request permission to operate _____, in my home
Type of Home Occupation

located at _____, Natalia, Texas 78059.
Street Address

I agree to comply with the requirements for a Home Occupation as specified by the regulations and restrictions of the City of Natalia Zoning Ordinance, and of any other conditions, limitations or safeguards imposed for the my use of premises for a home occupation, as deemed appropriate in consideration of granting my permit.

My home occupation will not significantly increase or cause traffic, noise, electrical interference, glare, dust, smoke, or odor which is normally found in the vicinity when such use is not in operation.

My home occupation will be conducted wholly and entirely within the principal building, and such home occupation will be clearly incidental and secondary to the residential use of the building.

My home occupation will not exceed the percentage, square footage, or number of rooms designated, and permitted, to use for my home occupation operations.

My home occupation will not serve as the primary use of the building, and will remain a residential dwelling.

My home occupation will be operated by me or members of my immediately family residing in the same dwelling, and will not have no more than the number of employees, not living in the unit, operate the home occupation, unless otherwise restricted.

Signature of Requestor: _____

Date Submitted: _____

Example B

**PETITION
FROM NEIGHBORING PROPERTY OWNERS**

Attention neighboring property owners, I ask for your full support and consent of my intentions to operate portions or parts of my residential dwelling as a _____, a desired home occupation for which my home occupation permit application will be considered at a Public Hearing scheduled before the Planning & Zoning Commission, and this petition will provide supportive evidence for my granting acceptance of my home occupation permit.

"I, Property Owner, have been advised by Applicant, _____, of his or her request to the City of Natalia for a Home Occupation Permit for the purpose of conducting the type of home occupation provided above, and I hereby sign this petition signifying that I have no objection to a Home Occupation Permit being granted to the applicant for the purposes reflected in this statement."

Property Owner Street Address	Property Owner Name Printed	Property Owner Signature

STATE OF TEXAS
COUNTY OF MEDINA

Before me, a Notary Public, personally appeared _____, known to be the person whose name is subscribed to the foregoing document and, being first duly sworn, declared that he/she signed this application in the capacity designated, and further states that the statements therein contained are true and correct.

Affiant's Signature

Sworn to and subscribed before me on this _____ day of _____, 20____.

(seal)

Notary Public's Signature

Example C

RENTAL PROPERTY USE FOR HOME OCCUPATION

Any objection by property owner, or refusal to obtain a notarized written statement from property owner, shall cause application not to be accepted or considered further. This statement shall accompany the home occupation permit application.

I, _____, am the Property Owner of the address known as _____
_____, Block No. _____, Lot No. _____; and rent, or lease, this property to _____
_____.

I, as the Property Owner, acknowledge that the renter wishes to utilize parts or portions of the dwelling for use of a home occupation, of which I (check applicable box):

- ☐ Authorize the use of my property for renter's home occupation purpose.
/or/
☐ Object or Refuse the use of my property for renter's home occupation purpose.

STATE OF TEXAS
COUNTY OF MEDINA

Before me, a Notary Public, personally appeared _____, known to be the person whose name is subscribed to the foregoing document and, being first duly sworn, declared that he/she signed this application in the capacity designated, and further states that the statements therein contained are true and correct.

Affiant's Signature

Sworn to and subscribed before me on this _____ day of _____, 20____.

(seal)

Notary Public's Signature