



City of Mesquite Home Occupation Registration Application

Please print legibly. This application can also be completed online at <https://www.cityofmesquite.com/DocumentCenter/View/731/Home-Occupation-Registration>

Application Checklist

- Completed Application Applicant's Affidavit (Page 6) \$50 Application Fee

Property Information – Where the business will be located

Physical Address: _____ City, State: Mesquite, Texas
Zip Code: _____

Business Information

Business Name: _____ Square Footage Used for Business: _____ s.f.
Hours of Operation: _____ Size of Home: _____ s.f.
Number of Parking Spaces on Property: _____ Number of Parking Spaces Needed for Home Occupation: _____

Applicant Information – The person filling out the application

First Name: _____ Last Name: _____
Relation to Business: _____
Phone Number: _____ Email Address: _____

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: Yes No (If no, fill in information below)
First Name: _____ Last Name: _____
Relation to Business: _____
Phone Number: _____ Email Address: _____
Mailing Address: _____ City, State: _____
(If different from physical address)
Zip Code: _____

Signatures

Applicant

Date

Property Owner

Date

****MUST HAVE COMPLETED APPLICANT'S AFFIDAVIT (PAGE 6)****

Office Use Only

Date Received: _____ Project Intake: _____

Case Number: HO _____

Proposed Home Occupation

Describe the proposed home occupation:

Describe the areas of the home that will be used by and/or for the home occupation:

Do you plan to change the home for the business?

Yes No

If yes, how?

Number of people who will be participating in the home occupation:

August 2019

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APPLICANT'S AFFIDAVIT

1. The information and statements provided on this application for registration, in its entirety, are true and correct.
2. I understand that only low-intensity home occupations are permitted and certify that the home occupation described on this application for registration is: a) clearly incidental and secondary to the primary residential use of the property; b) is conducted in a limited manner which creates litter exterior indication of the activity; and c) does not create a nuisances or otherwise adversely impact adjacent properties nor the residential character of the neighborhood.
3. I understand the home occupation described in this application for registration must be operated, and agree that it will be operated, in strict compliance with the standards of operation set out in [Section 2-700 of the Mesquite Zoning Ordinance](#).
4. I understand that approval of the home occupation proposed in this application for registration shall be limited to one year, provided that if no changes occur in the operation of the home occupation, such approval shall automatically be extended in one year increments, based on anniversary of the approval date.
5. I understand and agree that this application for registration constitutes my agreement to allow, upon reasonable request (request made during normal business hours) the inspection of the premises to the extent necessary to determine compliance and compatibility with the regulations set out in [Section 2-700 of the Mesquite Zoning Ordinance](#).
6. I understand that failure to comply with the terms of this registration and/or [Section 2-700 of the Mesquite Zoning Ordinance](#) is in violation of said ordinance and is subject to fines up to \$2,000 per offence (per day).

Notarized Signature of Applicant
(Signature must be witnessed by a Notary Public)

YOUR DRIVER'S LICENSE MUST SHOW YOUR MESQUITE ADDRESS AND IT CANNOT BE EXPIRED

STATE OF TEXAS:
COUTY OF DALLAS:

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared

_____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____, day of _____, 20__.

NOTARY PUBLIC, DALLAS COUNTY, TEXAS

(SEAL)

2-700 HOME OCCUPATION REGULATIONS

2-701 GENERAL PROVISIONS

Ord. 2678/6-18-90

A. DEFINITION AND INTENT

A home occupation is a gainful activity, resulting in a product or service, which is conducted in whole or in part on a property zoned or occupied as residential.

The intent of this section is to allow low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property and that are conducted in a limited manner which creates little exterior indication of the activity and which does not create a nuisance or otherwise adversely impact adjacent properties or the residential character of the neighborhood.

B. EXEMPTIONS

Yard/garage sales and home day care are specifically permitted by the use schedule and shall not be classified as home occupations when operating in compliance with all ordinances and regulations in connection with such use. ([See 2-203](#))

C. APPLICATION/INSPECTION

A request for registration or for approval of a Conditional Use permit for a home occupation shall constitute the applicant's agreement to allow, upon reasonable request, the inspection of the premises to the extent necessary to determine compliance and compatibility with these regulations. City inspectors may inspect a premises suspected of violations for the purpose of determining compliance with these regulations. The refusal to allow inspection upon reasonable request shall be an indication of a failure to comply with the terms of this section. A presumption shall therefore exist that there are violations and appropriate enforcement action to terminate the activity may be taken.

D. REGISTRATION REQUIRED

All home occupations shall be required to register upon forms prepared by the City Planner for the purpose and shall include a description of the nature and extent of the activity. The applicant shall sign the form verifying that the activity will be conducted in compliance with the standards of operation set out below.

E. LIMITED APPROVAL/REVIEW

Approval of a home occupation, whether by registration or by Conditional Use permit, shall be limited to one year, provided that such approval shall automatically be extended in one year increments, based on the anniversary date of the approval, unless a request for review is received prior to the anniversary date. A written request for review may be submitted by any person affected by the home occupation; by the City Planner, Health Official, or Building Official; or by the City Council or Planning and Zoning Commission. If a request for review is received, a new application for approval as a Conditional Use permit shall be required.

All home occupations shall comply with the following performance standards and limitations, except as specifically modified herein.

A. EMPLOYEES

No person other than an occupant of the residence shall be engaged in the home occupation at the residence or shall visit the residence on a regular basis. No more than 3 occupants at a residence shall be engaged in home occupations.

B. SPACE AND LOCATION

The maximum area used for the home occupation shall not be greater than 25% of the living area of the residence; than 500 square feet, including storage areas; or than 2 rooms. No accessory building shall be used in the conduct of a home occupation.

C. STORAGE

The total area used exclusively for storage shall be no larger than 150 cubic feet. Outside storage in conjunction with a home occupation shall be prohibited.

D. ALTERATIONS

No alterations of the residential appearance of the property for business purposes, such as the creation of a separate entrance, shall be permitted.

E. EQUIPMENT

The installation, storage, or use of any equipment or machinery not normally found in a household or general office shall be prohibited.

F. SALES AND DISPLAY

Direct, on site sales, retail or wholesale, and the display of goods or products on the premises shall be prohibited.

G. NUISANCES

The creation of noise, odors, vibrations, glare, fumes, or electrical interference which is detectable to normal sensory perception outside the structure shall be prohibited.

H. DELIVERIES

No deliveries related to the conduct of the home occupation shall be permitted by vehicles of more than 2 axles. No more than three total deliveries per week shall be permitted.

I. TRAFFIC

Home occupations shall not involve the regular visits of clients, other employees, or any other persons to the residence due to the conduct of the home occupation.

J. ADVERTISING/SIGNS

On-site signs and displays shall be prohibited, including interior signs or displays which are visible from the exterior of the structure. No advertising shall be placed in any media which contains the address of the property or otherwise encourages clients to visit the residence.

A. USES PERMITTED

The following uses shall require registration, but shall not require approval as a Conditional Use permit, provided that full compliance with all standards of operation stated above is required, except as modified herein.

- 1. Home Office** An office for the clerical and administrative purposes of receiving mail and telephone calls, maintaining records, and similar functions is permitted.

 - a. Off-site Sales Offices:** Home offices may include offices for direct sales distribution (Amway, Avon, Tupperware, etc.), for manufacturer's representatives, and other similar activities provided that all sales are conducted off-site and that storage and deliveries do not exceed the limitations stated above.
 - b. Off-site Services Offices:** Home offices may include offices for services provided off-site, including but not limited to such activities as house cleaning service, yard/garden service, locksmiths, appliance repair, contractors, and similar activities, provided that all services are provided off-site, that storage does not exceed the limitations stated above, that no other employees regularly visit the premises, and that no more than one commercial vehicle is parked at the residence on a regular basis.
 - c. Professional Services:** Home offices may include offices/studios for engineers, draftsmen, and similar services provided that client consultation is conducted off-site.
- 2. Home Instruction** Individual tutoring or lessons in art, dance, music, swimming, or similar activities are permitted, provided that a maximum of 6 students per day shall be permitted at the premises.
- 3. Home Arts/Crafts** The preparation of small arts/crafts items for off-site display and sale, including ceramics with a maximum kiln size of 6 cubic feet and including dressmaking/sewing with a maximum of one machine, shall be permitted, provided that all ordering, fittings, and delivery are conducted off-site. The preparation or creation of larger items requiring frequent delivery of materials, movement by vehicles other than passenger vehicles, larger or noisy equipment, or storage exceeding the limits stated above shall not be allowed.

B. REFERRAL

Whenever there are questions or there is uncertainty regarding conformance with the intent and/or requirements of all regulations regarding home occupations, the City Planner may forward the home occupation to the Planning and Zoning Commission and City Council for review under the requirements regarding Conditional Use permits.

Home Occupations not in compliance with [2-703](#) may be approved as a Conditional Use permit in accordance with the procedures set out in [5-300](#) under the following conditions.

A. USE GUIDELINES

A Conditional Use permit for a home occupation may be approved only if it is determined that the activity will be incidental and subordinate to the residential purpose of the property, will comply with the spirit and intent of these regulations, will not create adverse impacts on adjacent properties, and will be compatible with the residential character of the area.

The following types of uses will not be approved as home occupations unless unusual or special circumstances exist:

1. Uses involving regular client visits, such as photographic studios, small appliance repair shops, barber/beauty shops, medical offices, etc.;
2. Uses involving large goods or materials, such as upholstery or furniture repair, arts/crafts other than small items, etc.;
3. Uses involving nuisances (noise, dust, etc.) or which cannot be conducted within a totally enclosed structure, such as automobile, lawn mower, or other engine repair, welding or machine shops, etc.;
4. Uses where other employees visit the site, such as operating/dispatch offices for contractors, offices for businesses having employees who are not occupants, etc.;
5. Uses involving handling and/or storage of quantities of goods or materials, such as retail/wholesale operations or manufacturing/assembly;
6. Uses involving the grooming, breeding, or boarding of animals.

B. MODIFICATIONS OF STANDARDS

The standards of operation set out in [2-702](#) shall apply to all home occupations; provided however, that the approval of a Conditional Use permit may authorize minor modifications, alternative limitations, and/or special conditions where it is determined that the home occupation can be accommodated in accordance with the spirit and intent of this section.