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## Sec. 94-362. Home occupations.

(a) ~~(a)~~ *Permit required; permit objective.* The City of Brookings recognizes the need for some citizens to use their place of residence for limited nonresidential activities. However, the city believes that the need to protect the integrity of its residential districts is the primary concern. A zoning and use registration permit and a conditional use permit are the methods used to allow and regulate nonresidential activity within a residential district. The objective of these permits is to allow a limited commercial type activity in a residential district only to an extent that either neighbors or passersby will not be aware of the activity by any outward appearance or may be aware of the occupation because of the existence of a sign or additional traffic. It is therefore necessary to categorize home occupations as no-impact occupations, minor home occupations, and major home occupations. Home occupations are not transferrable to subsequent property owners or occupants.

(b) No-impact home occupation. A no-impact home occupation does not require a permit and shall be allowed upon a premises provided the occupation complies with all of the following:

- (1) Such home occupation is entirely computer and/or internet based.
- (2) Such home occupation does not cause on-street parking or substantial increase in traffic in neighborhood.
- (3) Such home occupation does not include on-site sales of merchandise or on-site training.
- (4) Such home occupation does not include any of the prohibited activities included in Sec. 94-392(h).

(c) ~~b~~ *Minor home occupation.* A minor home occupation shall be allowed upon a premises provided the occupation complies with the following:

- (1) ~~The occupation must be conducted entirely within the principal building. No occupation, storage of goods, materials or products is allowed in any accessory building or accessory building.~~
- (2) ~~The occupation is clearly incidental and secondary to the principal use of the dwelling unit for residential purposes.~~
- (3) ~~The occupation does not occupy more than 500 square feet of the gross floor area of one story.~~
- (4) ~~Only residents of the dwelling unit may be employed or may participate in the home occupation.~~
- (5) ~~No advertising or display signs shall be permitted other than a nameplate attached to the dwelling. The nameplate shall not be illuminated and shall not be more than one square foot in area. No off-premises signs shall be used. Signs shall not be permitted.~~
- (6) ~~No external alterations are permitted except for a separate entrance located on the side or rear of the dwelling, provided it maintains residential character, complies with building codes, and does not create a retail appearance. There shall be no exterior display, exterior storage or other exterior indication of the home occupation.~~
- (7) ~~No occupation shall require internal alterations or involve construction features not customary in a dwelling unit. External alterations intended to create a separate entrance or other feature exclusively for the business are prohibited.~~
- (8) ~~Mechanical equipment which is not customarily or ordinarily used for household or hobby purposes is prohibited.~~
- (9) ~~Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.~~

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(10) Any process or activity which causes offensive odors, dust, glare, noise, smoke, heat or vibration detectable to the normal senses off the property and any equipment or process which creates visible or audible interference in radio or television receivers shall be prohibited.

(711) The occupation shall not generate additional pedestrian or vehicular traffic (beyond that normal to the district in which it is located) ~~nor additional vehicular parking in the neighborhood. Any need for parking generated by such use shall be met on the same lot containing the customary home occupation, and not within the required front yard.~~

(8) Client and customer visits shall be by appointment only and only one client may be present at a time.

(912) ~~No on-site sales of merchandise shall be allowed nor shall on-site training promotions be permitted. Only incidental sales are permitted as part of a home occupation. Incidental sales must be subordinate to the primary business and comply with the following:~~

- (a) The primary activity is a service or production, not retail; sales occur only by appointment or as part of the service.
- (b) Inventory is limited to small quantities; no bulk storage or wholesale operations.
- (c) Items sold are directly related to the home occupation (e.g., hair products for a single-chair salon).
- (d) Online or mail-order sales are allowed if no bulk storage occurs and no retail storefront is established.

(10) Such home occupation does not include any of the prohibited activities included in Sec. 94-392(h).

(c) ~~Permitted minor home occupations; enumeration. Permitted minor home occupations include but are not necessarily limited to the following:~~

- (1) Artist/artisan.
- (2) Professional office (author, architectural, consulting, word processing, computer programming, drafting, graphics, engineering, investment, insurance, interior design, real estate, ministerial, contracting, secretarial).
- (3) Specialty bakery/catering service.
- (4) Handicrafts.
- (5) Individual tutoring.
- (6) Individual musical instruction with no amplification.
- (7) Telephone answering.
- (8) Mail order.
- (9) Special occasion service.
- (10) Coin collection.
- (11) Sales consultant (For example, Amway, Shaklee, Avon, Mary Kay, Tupperware).

(d) *Permit procedure for minor home occupation.* Application for a minor home occupation use shall be made to the community development department on a form provided by the city. The application will be evaluated using the criteria established for a minor home occupation which are the minimum conditions for approval. A site plan and/or site inspection may also be required prior to determining whether the proposed minor home occupation conforms to the criteria of this article and issuance of the permit. If the application complies with the minor home occupation criteria, and upon payment of the applicable fee, a zoning and use

registration permit will be issued. In cases where the community development department determines the application is not within the scope of the minor home occupation criteria, the application will be denied or resubmitted for a conditional use permit. All permits granted shall also be subject to the requirements of section 94-50.

(e) *Major home occupation.* A major home occupation shall be allowed upon a premises provided the occupation complies with the following:

- (1) The occupation is conducted entirely within the principal or accessory building.
- (2) ~~The occupation is clearly incidental and secondary to the principal use of the dwelling unit for residential purposes.~~
- (3) The occupation does not occupy more than 50 percent of the gross floor area of one story.
- (4) Residents of the dwelling unit and one person who does not reside in the dwelling unit may be employed or participate in the home occupation.
- (5) Signs shall be permitted according to the regulations for residential signs of the sign ordinance.
- (6) ~~There shall be no exterior display, exterior storage or other exterior indication of the home occupation except for a sign.~~
- (7) ~~No occupation shall require substantial internal or external alterations or involve construction features not customary in a dwelling unit.~~
- (8) Limited quantities of goods, products or materials associated with the home occupation shall be permitted to be stored on the premises. Storage within a garage shall not displace parking spaces required by this chapter.
- (9) ~~Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.~~
- (10) ~~Any process or activity which causes offensive odors, dust, glare, noise, smoke, heat or vibration detectable to the normal senses off the property and any equipment or process which creates visible or audible interference in radio or television receivers shall be prohibited.~~
- (11) Two on-premises parking spaces, in addition to those required for the dwelling unit, shall be provided for the home occupation.
- (12) The home occupation may have two clients/customers at any one time.
- (13) The sale of stocks of merchandise, supplies or products may not be conducted on the premises, however, limited retail sales directly related to the home occupation may be sold to clients.
- (14) No more than one home occupation shall be permitted within any single-family dwelling.
- (15) Major home occupations that attract customers, clients or other individuals to the premises for sales or services shall not be allowed in an apartment building.
- (16) Such home occupation does not include any of the prohibited activities included in Sec. 94-392(h).

(f) *Enumeration of permitted major home occupations.* Permitted major home occupations include, but are not necessarily limited to, the following:

- (1) Barbershop or beauty shop (single chair).
- (2) Tailor or seamstress.
- (3) Electrolysis.
- (4) Blade sharpening.

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- (5) Gunsmithing.
- (6) Portrait studio.
- (7) Landscape maintenance.
- (8) Individual counseling.
- (9) Upholstery.
- (10) Appliance repair.
- (11) Electronic repair.
- (12) Woodworking.

(f) *Permit procedure for major home occupations.* Application for a major home occupation use shall be made to the community development department on a form provided by the city. The application will be evaluated using the criteria established for a major home occupation and is subject to the requirements of article V of this chapter.

(g) *Garage, yard and rummage sales.* Garage, yard and rummage sales are permitted without a permit provided they meet the following standards:

- (1) Sales may last no longer than three days.
- (2) Sales may be held no more than twice yearly.
- (3) Sales are conducted on the owner's property or one of the owners' property in the case of multiple owners.

(h) *Prohibited home occupation activities.* The following activities are prohibited as a result of a home occupations:

- (1) Use of residential property as a business, in which the business activities are the primary use of the property.
- (2) Exterior display, exterior storage or other exterior indication of the home occupation.
- (3) Internal alterations or construction of features not customary in a dwelling unit.
- (4) Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.
- (5) Any process or activity which causes offensive odors, dust, glare, noise, smoke, heat or vibration detectable to the normal senses off the property and any equipment or process which creates visible or audible interference in radio or television receivers.
- (6) Employees, clients/customers, or activity that would be visible to adjacent neighbors between the hours of 9 p.m. and 6 a.m.

(i) *Compliance with State and Federal Laws:* All home occupations shall comply with applicable state and federal regulations, including but not limited to licensing, taxation, health and safety standards, and any industry-specific requirements. The issuance of a permit under this section does not exempt the applicant from obtaining other permits or approvals required by law.

Table XX-X: Home Occupation Category Requirements				
	No-Impact	Minor	Major	Prohibited
Permit required	None	Special Use: Administrative Approval	Conditional Use Permit: City Council Approval	Not Permitted in Residential Districts
Outdoor Storage	None	None	None	
Allowable location for Home Occupation	Entirely within principal building.	Principal or accessory building.	Principal or accessory building.	
Visible Signage	No	Up to 1 s.f. of signage allowed.	Allowed according to sign ordinance	
Number of Non-Resident Employees	None	None	1 non-resident	
Additional Parking Spaces Required	No	No	2 off-street parking spaces	
Separate entrance allowed?	No	Yes	Yes	
Sales conducted on Premises	No on-site sales or trainings	Incidental sales only.	Limited retail sales	
Number of Client/Customers	None	Appointment only- only one client at a time.	1 non-resident employee plus 2 clients/customers at a given time	
Area Dedicated to Use	500 s.f. of one story	500 s.f. of one story	No more than 50% of gross floor area of one story	

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