

ORDINANCE 26-014

AN ORDINANCE AMENDING CHAPTER 94, ARTICLE VI, DIVISION 2, SEC. 94-362 RELATED TO HOME OCCUPATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BROOKINGS,
SOUTH DAKOTA that the Subdivision Regulations be amended as follows:

I.

SECTION 94-362. Home occupations.

- (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) *General Standards:*
- (1) *Signage:* Signage is allowed per Sec. 94-473.
 - (2) *Sales:* Sales are permitted in all categories, provided they comply with inventory limits. In-person sales of goods or services are permitted in the major and minor categories, provided the home occupation complies with the client/customer, traffic, and inventory limitations.
 - (3) *Dedicated Area:* For no-impact and minor home occupations, the use may not exceed 500 square feet of the dwelling's gross floor area. For major home occupations, the use may not exceed 50% of the gross floor area of a single story.
 - (4) *Allowable Storage:* Storage of inventory intended for sale shall not exceed 10% of the permitted home occupation area.
 - (5) *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.
 - (6) *Prohibited Activities:*
 - a. Use of residential property as a business, in which the business activities are the primary use of the property.
 - b. Exterior display, exterior storage or other exterior indication of the home occupation.

- c. Internal alterations or construction of features not customary in a dwelling unit.
 - d. Toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials are prohibited.
 - e. 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.
 - f. Employees, clients/customers, or activity that would be visible to adjacent neighbors between the hours of 9 p.m. and 6 a.m.
- (c) *Category Standards:* All home occupations must comply with the General Standards in Section (b), in addition to the specific requirements for their category.
- (1) *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:
- a. Only residents of the dwelling unit may be employed or may participate in the home occupation.
 - b. The occupation must be conducted entirely within the principal building.
 - c. Such home occupation does not include on-site sales of merchandise or on-site training.
 - d. Such home occupation does not cause on-street parking.
 - e. No external alterations are permitted.
- (2) *Minor home occupation.* A minor home occupation shall be allowed upon a premises provided the occupation complies with the following:
- a. Only residents of the dwelling unit may be employed or may participate in the home occupation.
 - b. The occupation must be conducted entirely within the principal or accessory building.
 - c. Client and customer visits shall be by appointment only and only one client may be present at a time.
 - d. One one-site parking space, in addition to those required for the dwelling unit, shall be provided for the home occupation.
 - e. No external alterations are permitted except for a separate, provided it maintains residential character and complies with building codes.
 - f. Mechanical equipment which is not customarily or ordinarily used for household or hobby purposes is prohibited.
- (3) *Major home occupation.* A major home occupation shall be allowed upon a premises provided the occupation complies with the following:
- a. Residents of the dwelling unit and no more than one non-resident employee may report to and participate in the home occupation at the site at any given time.
 - b. The occupation is conducted entirely within the principal or accessory building.

- c. Two on-site parking spaces, in addition to those required for the dwelling unit, shall be provided for the home occupation. Storage within a garage shall not displace parking spaces required.
- d. The home occupation may have two clients/customers at any one time.
- e. No more than one home occupation shall be permitted within any single-family dwelling.
- f. 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.

(b) *Permit Procedures:*

- (1) *No-impact:* No permit required. Allowed by right, determined by completing a city-provided checklist to confirm compliance with all applicable standards.
- (2) *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.
- (3) *Major home occupation:* 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.

(c) *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.

	No-Impact	Minor	Major	Prohibited
Permit required	None	Zoning Use Registration Permit: Administrative Approval	Conditional Use Permit: City Council Approval	Not Permitted in Residential Districts
Outdoor Storage	None	None	None	
Visible Signage	Allowed according to sign ordinance	Allowed according to sign ordinance	Allowed according to sign ordinance	
Sales	Limited sales, subject to inventory limits; no in- person sales or on-site transactions permitted.	In-person sales allowed by appointment only, one client at a time, subject to traffic and inventory limits.	In-person sales allowed, up to two clients at a time, subject to traffic and inventory limits.	
Number of Non- Resident Employees	None	None	1 non-resident	
Allowable location for Home Occupation	Entirely within principal building.	Principal or accessory building.	Principal or accessory building.	
Area Dedicated to Use	500 s.f. of one story	500 s.f. of one story	No more that 50% of gross floor area of one story	
Number of Client / Customers	None	Appointment only; only one client at a time.	2 clients/customers at a given time	
Additional Parking Spaces Required	No	1 additional off- street parking space	2 additional off- street parking spaces	
Separate entrance	No	Yes	Yes	

II.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: April 28, 2026

SECOND READING: May 12, 2026

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CITY OF BROOKINGS, SD

Oepke "Ope" Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk