

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**In the Matter of an Ordinance Amending)
Chapter 17.104, Home Occupations, of)
Title 17, Land Development Code, of the)
Brookings Municipal Code, in its)
entirety.)** **Ordinance 09-O-629**

Sections:

- Section 1. Ordinance identified.
- Section 2. Amends Chapter 17.104 in its entirety

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Chapter 17.104, Home Occupations, of Title 17, Land Development Code, of the Brookings Municipal Code in its entirety.

Section 2. Amends Chapter 17.104: Chapter 17.104, Home Occupations, is hereby amended to read as follows:

**Chapter 17.104
HOME OCCUPATIONS**

Sections:

- 17.104.010 Purpose and scope.
- 17.104.020 Permit required.
- 17.104.030 Criteria.
- 17.104.040 Exclusions.
- 17.104.050 Revocation.
- 17.104.060 Appeal.
- 17.104.070 Existing uses.

17.104.010 Purpose and scope.

The intent of the home occupation permit for residential zones is to provide for a limited cottage industry type activity which is conducted in such a manner that the residential character of the building and the neighborhood is preserved. "Home occupation" means any gainful occupation engaged in by an occupant of a dwelling unit, including handicrafts, laundering, seamstress, specially food items, catering, office of clergyman, bookkeeping, teaching of music, dancing and other instruction when limited to attendance of no more than five pupils at a time, and other like occupations. The permit shall not be transferable and the privileges it grants shall be limited to the person named in the permit and to the location and activity for which it is issued. [Ord. 89-O-446 § 1.]

17.104.020 Permit required.

The city manager or his designee, shall issue a home occupation permit only if it is found that all of the following criteria are and will be met by the individual applicant. The permit may include conditions requiring periodic review and renewal, requiring the applicant to sign an acknowledgement of the conditions, or other conditions specifically dealing with the property use involved, where such conditions are found to be reasonably necessary to maintain the criteria herein listed. [Ord. 89-O-446 § 1.]

17.104.030 Criteria.

The home occupation proposal must conform to the following criteria:

A. The activity must be conducted entirely within the dwelling, garage, or accessory structure.

B. The activity must be conducted only by persons residing in the dwelling.

C. The outward residential appearance of all buildings must be preserved, and the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

D. Not more than 50 percent of the floor area of the individual dwelling unit may be utilized for the intended purposes. Any part of a garage or accessory structure may be used provided off-street parking requirements are met.

E. No merchandising or sale of commodities may be conducted on the premises, except such as is produced by the occupants on the premises.

F. A sign may be maintained in conjunction with the home occupation activity, provided it is non-lighted, indicates only the name and trade of the property owner, and is no greater than two square feet in area.

G. The use requires no additional off-street parking spaces.

H. There shall be no emission of odorous, toxic, noxious matter nor any use causing electrical or telecommunication interference, vibration, noise, heat or glare in such quantities as to be readily detectable at any point along or outside property lines of a home occupation so as to produce a public nuisance or hazard. [Ord. 89-O-446 § 1.]

I. Proof of a current business license unless exempt must be provided.

17.104.040 Exclusions.

Home occupation permits shall not be issued for any of the following:

A. Beauty shops;

B. Barber shops;

C. Pet grooming;

D. Photo studios that use chemicals in their processes.

E. Headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

17.104.050 Revocation.

The permit may be revoked by the city manager or his designee for a violation of any conditions listed in BMC [17.104.030](#). The permittee shall be given written notice of the intent to revoke, a list of reasons for revocation, and the remedies and appeal process. The city manager or his designee may elect to resolve the violation pursuant to Chapter 17.160 BMC. [Ord. 89-O-446 § 1.]

17.104.060 Appeal.

Any applicant, or affected property owner or resident has the right to appeal the administrative decision of the city manager or his designee, to the planning commission in a manner as provided in Chapter 17.156 BMC. [Ord. 89-O-446 § 1.]

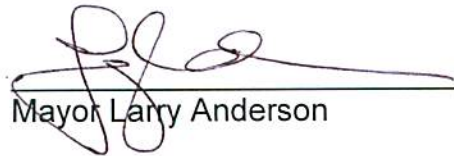
First reading: March 23, 2009

Second reading: March 23, 2009

Passage: March 23, 2009

Effective date April 22, 2009

Signed by me in authentication of its passage this 24th day of March, 2009.



Mayor Larry Anderson

ATTEST:


City Recorder Joyce Heffington