

## Home Occupation Supplement Form

<b>Business Information</b>	Business Name:		DBA Name:		Account #:
	Dominant Business Activity:				NAICS Code:
	Address/Location:				Telephone Number:
	City:	State:	Zip:		
	Applicant's Name:			Owner/Agent's Name:	

**Definition:** *Home occupation.* An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of [section 27-700](#). Casual and isolated activity as defined per Chapter 15 is not required to obtain a home occupation license.

**Sec. 27-700. - Home occupations.**

- (a) *Purpose.* The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.
- (b) *Type A and type B home occupations.* Two types of home occupations are defined and regulated under this section:
  - (1) *Type A home occupations.* Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site.
  - (2) *Type B home occupations.* Type B home occupation are those in which household residents use their home as a place of work and either one nonresident employee or customers come to the site.
- (c) *Exemptions.*
  - (1) *Personal care homes.* Personal care homes are not permitted as home occupations and are not subject to the home occupation regulations of this section. Personal care homes are allowed as indicated in table 7-1.
  - (2) *Day care.* Residence-based day care uses are not permitted as home occupations and are not subject to the home occupation regulations of this section. Day care uses are allowed only as indicated in table 7-1.
  - (3) *Bed and breakfast inn.* Bed and breakfast inns are not permitted as home occupations and are not subject the home occupation regulations of this section. Bed and breakfasts are allowed only as indicated in table 7-1.
  - (4) *Short-term rentals.* Short-term rentals are not permitted as home occupations and are not subject the home occupation regulations of this section. Short-term rentals are allowed only as indicated in table 7-1.
- (d) *Prohibited home occupations.* The following uses are expressly prohibited as home occupations:
  - (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
  - (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - (3) Equipment or supply rental businesses;
  - (4) Taxi, limo, van or bus services;
  - (5) Tow truck services;
  - (6) Firearms sales establishment;
  - (7) Eating or drinking places;
  - (8) Funeral or interment services;
  - (9) Animal care, grooming or boarding businesses; and
  - (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
- (e) *Where allowed.*
  - (1) *Type A home occupations.* Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category, subject to issuance of an administrative permit in accordance with the procedures of article X, division 9 of this chapter. Type A home occupations are subject to the general regulations of subsection (f) and all other applicable regulations of this section. More than one type A home occupation is allowed as an accessory use, but the general regulations of subsection f apply to the combined home occupation uses.

- (2) *Type B home occupations.* Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in subsection (g). Type B home occupations are subject to the general regulations of subsection (f), the supplemental regulations of subsection (g) and all other applicable regulations of this section. Multiple type B home occupations are prohibited as an accessory use to a household living use, and a type A home occupation may not be conducted with a type B home occupation.
- (f) *General regulations.* All type A and type B home occupations are subject to the following general regulations:
- (1) Home occupations shall be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Brookhaven. Home occupations shall be operated so as not to create or cause a nuisance.
  - (2) Any tools or equipment used as part of a home occupation shall be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
  - (3) External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
  - (4) Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), shall be conducted entirely within the dwelling unit.
  - (5) The area devoted to the conduct of all home occupations present on the property is limited to 25 percent of the dwelling unit's floor area or 650 square feet, whichever is less.
  - (6) No window display or other public display of any material or merchandise is allowed.
  - (7) The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
  - (8) Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.
- (g) *Use permits and supplemental regulations for type B home occupations.*
- (1) Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article X, division 3 of this chapter, provided that instruction, teaching or tutoring of no more than two students at one time does not require approval of a special land use permit, but instead requires issuance of an administrative permit in accordance with the procedures of article X, division 9 of this chapter.
  - (2) One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

I certify that I reside at the address shown for the proposed business and that it is my principal residence. I hereby acknowledge that I have received a copy of the zoning regulations covering Home Occupation as shown above and will comply with it. I am aware that failure to comply with said requirements would result in revocation of business license and/or legal action by the City of Brookhaven.

Signed \_\_\_\_\_ Date: \_\_\_\_\_

<b>OFFICE USE ONLY:</b> Class _____ Type _____ H.O.P. _____ District _____ Lot _____ Block _____ Parcel _____ <b>Zoning:</b> Approved by _____ Denied by _____ Date _____ Denial Reason _____ <b>Pending Items:</b> C.O. _____ Fire _____ Health _____ Sanitation Service _____ State License _____ Insurance _____ Police _____ Other _____ <b>Business License Items:</b> Primary ID# _____ Owner's ID# _____ Bill To ID# _____
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