

SECOND SUBSTITUTE ORDINANCE NO. BL2019-48

An ordinance amending Section 17.16.250 of Title 17 of the Metropolitan Code of Laws relative to home occupation. (Proposal No. 2019Z-020TX-001)

WHEREAS, current regulations prohibit even one client from visiting a home-based business; and

WHEREAS, these regulations create a hardship on residents seeking additional income to survive in a city with a skyrocketing cost of living; and

WHEREAS, these regulations create a significant barrier for children seeking tutoring services, music lessons, and other enrichment; and

WHEREAS, 5.7% of Nashville workers aged 16 and older work from home; and

WHEREAS, permitting limited home-based business activity will protect the residential character of neighborhoods while allowing more Nashvillians to earn supplemental income to remain in their homes.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Subsection D of Section 17.16.250 of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

D. Home Occupation. A home occupation shall be considered an accessory use to a residence subject to the following:

1. Location
 - a. A home occupation must be conducted entirely within the dwelling unit or accessory building.
 - b. The home occupation shall not occupy more than twenty percent of the total floor area of the principal structure ~~and in no event more than one thousand~~ to a maximum of 500 square feet of floor area plus the area of any legally permitted accessory buildings.
2. Employees and Vehicles
 - a. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation location.
 - b. Parking a commercial vehicle on the premises or on a street adjacent to residentially zoned property is prohibited. Vehicles associated with the home occupation shall be limited to one passenger vehicle such as a motorcycle, automobile, pick-up truck, sport utility vehicle, van or similar, with a maximum axle load capacity of one and one-half tons.
 - c. No truck deliveries or pick-ups, except by public or private parcel services, are permitted.
3. Customer Visits
 - a. Customer visits must occur by scheduled appointment and only between the hours of 8 a.m. and 7 p.m., Monday through Saturday.
 - b. Customer visits shall be limited to no more than three visits per hour and a maximum of six total visits per day.
 - c. The permit holder shall maintain and make available to the Codes Department a log or register of appointments for each calendar year.
4. Outward Appearance
 - a. Signs, as defined in Section 17.32.030.B, exterior or interior displays of goods visible from the outside, or any exhibit that would indicate the dwelling unit or accessory building is being used for any purpose other than a residence are prohibited.
 - b. The residential character of the lot and dwelling must be maintained. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential

construction code is prohibited. This prohibition does not apply to modifications to comply with accessibility requirements.

- c. A home occupation may not produce noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, glare, humidity, fumes, electrical interference, waste run-off, or other objectionable effects outside the dwelling unit or garage.

5. Activities

- a. The storage of materials or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards.
 - i. All materials or goods shall be stored completely within the space designated for home occupation activities.
 - ii. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.
 - iii. All materials or goods shall be stored completely within the dwelling unit or accessory building.
 - iv. All flammable or combustible compounds, products or materials shall be maintained and utilized in compliance with Fire Code NFPA-30.
- b. The following are ~~prohibited~~ permitted as home occupations:
 - ~~i. adult entertainment businesses;~~
 - ~~ii. after hours establishments;~~
 - ~~iii. any business primarily engaged in retail sales;~~
 - ~~iv. any use listed as an industrial use, medical use, transportation use, utility use, or waste management use in the zoning district land use table in Section 17.08.030;~~
 - ~~v. automobile repair services;~~
 - ~~vi. automobile service;~~
 - ~~vii. bars or night clubs;~~
 - ~~viii. bed and breakfast inns;~~
 - ~~ix. funeral homes;~~
 - ~~x. hotels;~~
 - ~~xi. major appliance repair;~~
 - ~~xii. restaurants;~~
 - ~~xiii. sex clubs; and~~
 - ~~xiv. short term rental properties.~~
 - i. Personal instruction;
 - ii. General office;
 - iii. Personal care services;
 - iv. Multimedia production; and
 - v. Artisan manufacturing.

1. Permit Requirements

- a. Home occupations that meet both of the following conditions are not required to acquire a permit for activity under this section:
 - i. The home occupation does not serve customers on the property; and
 - ii. The home occupation does not employ anyone who does not live within the dwelling.
- b. Prior to issuance of a permit, the applicant shall provide the Codes Department with a statement that the applicant has confirmed that operating the proposed home occupation would not violate any home owners association agreement or bylaws, condominium agreement, covenants, codes and restrictions, lease or any other agreement governing and limiting the use of the property proposed for the home occupation. If the applicant is not the property owner, the applicant shall also certify that the property owner is aware of the application and does not object to pursuit of the home occupation permit.

- c. In single-family and two-family zoning districts, no more than one home occupation permit may be issued per lot.
 - 2. Transferability and Enforcement
- a. Permit Transferability. A permit issued for activities under this section shall not be transferred or assigned to another person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the business. Upon termination of the occupant's residency, the home occupation permit shall become null and void.
- b. Revocation of Permit. Upon the filing of three or more verified complaints within a calendar year regarding a permit issued for activities under this section, the Zoning Administrator, or his or her designee, shall notify the permit holder in writing of such complaints and the Zoning Administrator, or his or her designee, will determine whether such complaints are valid. If it is determined that violations have occurred, the Zoning Administrator may revoke a permit as provided in Section 17.40.590. The permit holder may appeal the Zoning Administrator's decision to the Board of Zoning Appeals for a public hearing as provided in this Title.

Section 2. This Ordinance shall take effect from and after its final passage, and such change shall be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Dave Rosenberg

Zach Young

Colby Sledge

Joy Styles
Members of Council