City of Brentwood
Planning and Codes Department
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♦ Do You Need a Home Occupation Permit? ♦

Are you considering working at your home?

As communication technology advances, more and more of us will have opportunities to work at home. However, homes in Brentwood are located in residentially zoned areas. That means that you can use your property for residential purposes only. You may be able to conduct your occupation in your home by applying for and receiving a Home Occupation Permit. Not every business is suitable for a residential area. Therefore, in order to preserve the character of Brentwood's residentially zoned areas, the City requires that all home based businesses comply with conditions set forth in the Zoning Ordinance (listed below) and obtain a home occupation permit before starting. All permits are valid for a period of one year and must be renewed annually.

HOME OCCUPATION MEANS ANY OF THE FOLLOWING: (Sec. 78-3)

(1) A business activity which is based in a residence and is subject to the business licensing and taxation requirements of Chapter 62, Article III of this Code;

(2) An occupation which is principally carried out or practiced in a residence and which is subject to the state privilege tax imposed pursuant to T.C.A. Title 67, Chapter 4, Part 17, as the same may be amended or replaced;
or

(3) An activity which is:
   a. Based in a residence;
   b. Performed or carried out for compensation; and
   c. Generates more than ten deliveries per month (other than by U.S. mail), or generates visits from clients, customers, associates or other persons on a regular basis. "Regular basis," as used in this definition, means more than four occasions per month.

REQUIREMENTS FOR HOME OCCUPATIONS

Limitations on home occupation uses (Sec. 78-26)

Home occupations as defined in Section 78-3, may be practiced on any property within a residential zoning district only after issuance of a permit pursuant to section78-27 or section 78-28. No building permit, certificate of occupancy or business license for any such us shall be authorized or issued by the city if as permit for the home occupation has not been granted. A permit for a home occupation that is to be continued must be renewed with the city annually, on a schedule to be established by the planning and codes department, and shall expire if not renewed by the established renewal date. Continuation of a home occupation after the permit has expired shall be a violation of this section, subject to enforcement action by the city. Home occupations which have been approved by the board of zoning appeals may be renewed administratively without further action by the board of zoning appeals, upon certification by the occupant that the occupant has complied with the permit as approved, including any and all conditions of approval established by the board of zoning appeals. Subject to the authority of the board of zoning appeals to waive or relax certain restrictions for historically significant structures pursuant to section 78-28(b), all home occupation uses for which permits are required under this division shall be subject to the following limitations:

1. The home occupation shall be located and conducted in the dwelling unit only, provided that, to the

extent childcare is permitted as a home occupation, this limitation shall not apply. **(This means that all aspects of the business must be kept inside the home only, not in an accessory structure or out-of-doors).**

2. The principals and any other persons employed on the property in furtherance of the Home occupation shall be residents of the dwelling unit in which it is located; **(This means that you can have no employees, business partners, or business associates working at your home unless they are residents of the home)** provided, however, that where the board of zoning appeals finds that a hardship exists, one non-resident of the property may be employed on the property in furtherance of the home occupation on a temporary basis for a period not to exceed 12 months;
3. Not more than ten percent of the total floor area in the dwelling unit shall be devoted to the home occupation, provided that, to the extent childcare is permitted as a home occupation, this limitation shall not apply.
4. The dwelling unit shall not be used as a primary or incidental storage facility for a business, industrial, commercial, or agricultural activity conducted elsewhere;
5. No articles, materials, goods, or equipment indicative of the Home occupation shall be visible from any public street or stored outside the dwelling unit;
6. The home occupation shall not be advertised by the display of goods or signs on the lot on which it is located. **(This includes any signs on any vehicles parked at the home. Vehicles with advertising must be stored in the garage of the dwelling unit).**
7. The proposed use shall not allow noise, odor, fumes, or smoke to escape beyond the property boundaries, nor may the proposed use create a nuisance of any kind which would adversely affect the residential character of the neighborhood in which it is located.
8. No clients or customers shall visit the property, except as approved by the board of zoning appeals. Traffic generated by clients or customers visiting the property shall not exceed one vehicle at any given time. **(Retail and wholesale customers, or any type of client are prohibited from visiting your home for business purposes unless approved by BZA).**
9. The provisions of this section shall not be used under any circumstances to permit:
    a. Driver education or any use that requires overnight parking of more than one vehicle.
    b. Barber shops, beauty shops, gift shops, gun sales, florist shops, restaurants or other retail activities that are traditionally conducted in a commercial zoning district.
    c. Child care operations for which a state license would be required

Home occupation uses permitted under administrative review. (Sec 78-27)

(a) Upon application by the occupant, a home occupation that is a proposed secondary use of property within a residential zoning district may be permitted by the planning and codes department if the department determines that:

(1) The home occupation will not generate vehicular traffic from clients or customers; and

(2) The home occupation will not otherwise pose an obvious threat to the health, safety and welfare of others.

(b) Any person granted a permit by the planning and codes department for a home occupation under this section shall be required to comply with all requirements of home occupations as specified in section 78-26. For any home occupation permitted by the planning and codes department under this section, no business transaction shall occur on the property other than through electronic communications.

(c) If, in the opinion of the planning and codes director, the proposed home occupation fails to meet the criteria of this section or any other requirements set forth in this chapter, or if an existing permit is revoked due to the occupant's failure to comply with requirements or the permit, the occupant shall have the right to appeal the decision to the board of zoning appeals.

Home occupation uses permitted on appeal. (Sec 78-28)

(a) Upon application by the occupant, a home occupation that is a proposed secondary use of property within a residential zoning district, and is expected to generate traffic from clients or

customers, may be permitted if approved by the board of zoning appeals. Furthermore, the board of zoning appeals may consider appeals whenever a permit has been denied or revoked by the planning and codes director pursuant to section 78-27. Any person granted a permit for a home occupation under this section shall be required to comply with all requirements for home occupation uses as specified in section 78-26. The approval of the board of zoning appeals shall be subject to such additional conditions and limitations as the board may require in order to preserve and protect the character of the neighborhood in which the proposed use is located. In considering an application for a home occupation, or in establishing conditions and limitations in conjunction with the approval of a home occupation, the board of zoning appeals shall take into account the potential impact of the proposed use on the surrounding area, including the potential for the proposed use to become a nuisance or a threat to the health, safety and welfare of others.

(b) To promote historic preservation, the board of zoning appeals may allow broader latitude for home occupations carried out at any location which is designated by the board of commissioners as historically significant and is on a lot of at least four acres in size or served by an arterial roadway. Home occupations at such locations shall be subject to the following conditions;

(1) In approving applications for home occupations at any such location, the board of zoning appeals may waive or relax restrictions on:

a. Use of areas within the property other than the dwelling unit.

b. Client visitation, allowing more than one vehicle in conjunction with client visits at any given time, provided that the board of zoning appeals may establish the maximum number of client vehicles to be permitted on the property at any given time.

c. Maximum percentage of building use for business purposes, allowing more than ten percent, but no more than 50 percent, of the total floor area in the dwelling unit to be devoted to the home occupation.

d. Nonresident employee support, provided that no more than two persons who are not residents of the property may be employed in conjunction with the home occupation.

e. Signage, provided that a “residential personal identification sign” allowed under section 78-420(b)(6) of this code may be utilized to identify the home occupation use. No other exterior signage on the property shall be utilized to identify the home occupation use.

(2) No restrictions set forth in section 78-26 may be waived or relaxed by the board of zoning appeals, except as set forth above.

(3) Prior to waiving or relaxing any restrictions, the board of zoning appeals shall consider the amount of traffic expected to be generated by the proposed use, along with any other factors which may have an impact on the surrounding area. The applicant shall also demonstrate to the satisfaction of the board of zoning appeals that a clear access for emergency vehicles will be maintained at all times. Prior to consideration by the board of zoning appeals, such emergency vehicle access shall be reviewed by the fire marshal. The fire marshal may make recommendations for improvements, which may be incorporated into any conditions of approval adopted by the board of zoning appeals. The board of zoning appeals may, at its discretion, require the applicant to submit, at the applicant’s cost:

a. A site plan, showing the proposed layout of parking areas for the property, along with ingress and egress; and/ or

b. An opinion from a traffic engineer as to the sufficiency of the proposed ingress and egress, along with recommendations for any measures which should be taken to mitigate traffic impacts associated with the home occupation.

(4) Any approval of a home occupation at a historically significant site may be accompanied by such additional special conditions as may be necessary to protect the character of the site and the surrounding areas.

(5) The historic commission shall provide a recommendation prior to a decision of the board of zoning appeals to waive or relax restrictions for a home occupation at a historically significant site.

Merchandise sales in conjunction with home occupation uses. (Sec 78-29)

Notwithstanding any of the provisions of section 78-26, merchandise sales may be conducted in conjunction with a lawful home occupation permitted under the provisions of this chapter, subject to the following restrictions:

(1) Any such sale must be conducted inside the home occupation permit holder's residence.

(2) No more than two merchandise sales shall occur at the same location in any calendar year.

(3) The duration of a single merchandise sale shall not exceed three days.

(4) Approval of a home occupation shall not constitute approval of any merchandise sale. Authorization to conduct a merchandise sale under these provisions shall require submittal of a separate application and issuance of a merchandise sale permit by the board of zoning appeals. Approval for up to two merchandise sales for the ensuing 12-month period may be requested on the same application, provided that the board of zoning appeals, at its discretion, may limit the number of merchandise sales to one sale. A merchandise sale permit shall be valid only for the dates authorized by the board of zoning appeals, and a new permit shall be required for any subsequent merchandise sales.

BUSINESS LICENSE

Depending on the type of business, state law may also require that you obtain a business license in addition to a home occupation permit. To find out if your proposed business requires a business license, please call the business tax offices in Brentwood at (615) 371-0060 and in Williamson County at (615)790-5732. You must have a home occupation permit before you can obtain a business license.

HOW DO YOU APPLY?

You may pick-up an application for a Home Occupation Permit from our office, located at 5211 Maryland Way or download it from our website. Please point your web browser to:

www.brentwood-tn.org
Select: *I want to/apply for/building permit*
Select: *Home Occupancy Permit Application*

Please fill out the first page in its entirety and sign the second page. **You will then need to follow the directions in Step 2 on the first page (be sure to include your signature on the letter).**

You may drop-off the application at our office or you may mail it to:

Brentwood Planning and Codes Department, 5211 Maryland Way, Brentwood TN 37027

Please note: We cannot accept faxed applications.

For more information, contact our office at (615) 371-2204.

Prepared By: City of Brentwood Planning and Codes Department
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