

17.16.250 - Residential accessory uses.

(Refer to zoning district land use table)

- A. Accessory Apartment. A self-sufficient housekeeping unit shall be considered to be accessory to a single-family residence subject to the following:
1. The single-family residence is owner-occupied and meets all regulations of the district;
 2. There is free and clear access between the housekeeping units without going outdoors;
 3. Only one meter per utility may be installed to service both units;
 4. A maximum of twenty-five percent of the gross floor area, excluding garage and utility space, may be used for the accessory apartment;
 5. No entrance, which would be visible from the street, may be added solely for the purpose of providing direct outside access to the street;
 6. The second unit must be occupied by a family member defined as grandmother, grandfather, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, aunt or uncle;
 7. That the covenants provided herein may be enforced by the department of codes administration of the metropolitan government; and
 8. An instrument shall be recorded with the register's office covenanting that the apartment is being established as an accessory use and may only be used under the conditions listed above.
- B. Domesticated hens.
1. Type and number. Except upon property zoned for agricultural use or for properties in the R/R-A and RS/RS-A districts of five acres or more in size, a parcel of land shall contain the maximum number of domesticated hens identified below. Only hens are allowed; roosters are expressly prohibited. There is no restriction on domestic hen breeds.

Max. # Poultry	Parcel Area (sq. ft.)	Acreage
2	0 to 5,009	0.0 to 0.11
4	5,010 to 10,236	0.12 to 0.23
6	10,237 or more	0.24 or more

2. Location. All domesticated hens shall be kept in the side and/or rear yards of a residential property subject to the setback standards contained in this subsection. No domesticated hens shall be kept in the front yard. If domesticated hens are to be kept in the side yard, neither the hens nor the covered henhouse required by Section 8.12.020 of the Metropolitan Code shall be visible from any public right-of-way. Rather, the hens and henhouse shall be entirely screened from view of the public right-of-way using opaque fencing and/or landscaping.

Taken From Metro Nashville Municipal Code:

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3. Setbacks. An enclosure shall be located twenty-five feet away from any residential structure (other than the permit holder's residence) located in a residential zone district and ten feet from any property line.
 4. Permit required. A valid permit issued by the department of health pursuant to Section 8.12.020 of the Metropolitan Code shall be obtained and maintained at all times.
- C. Garage Sale.
1. Garage sale must be held or conducted in or upon real property, which the person or persons holding or conducting the same occupy as his or her residence(s).
 2. Personal property belonging to someone else, may be sold provided homeowner or occupant receives no fee or a percentage of the proceeds as compensation for selling the items or for the use of residence.
 3. Within any calendar year, a maximum of two garage sale events shall occur per residence. An event is defined as a garage sale that may occur for one day, two days and at most three days per an event.
 4. A consignment sale shall be prohibited, or any other offer for sale in connection with which any owner or occupant of real property undertakes to sell personal property, as an agent of another.
 5. An auction of a decedent's personal estate and/or real property conducted by a licensed auctioneer shall not be counted as a garage sale event nor be considered a consignment sale.
- D. Home Occupation. A home occupation shall be considered an accessory use to a residence subject to the following:
1. The home occupation shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit. No clients or patrons may be served on the property. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation location.
 2. 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 five hundred square feet of floor area.
 3. Signage. Any sign, as defined in M.C.L. 17.32.030.B, on a property used for a home occupation shall be governed by the provision of M.C.L Chapter 17.32 Sign Regulations.
 4. The use of mechanical or electrical equipment shall be permitted in connection with a home occupation provided such equipment:
 - a. Would be used for purely domestic or household purposes;
 - b. Is located entirely within the dwelling unit or accessory building and cannot be seen, heard or smelled from outside the dwelling unit or accessory building and has an aggregate weight of less than five hundred pounds; and
 - c. Does not interfere with radio and television reception on neighboring properties.
 5. The storage of materials or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards.
 - a. All materials or goods shall be stored completely within the space designated for home occupation activities.
 - b. 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.
 - c. All materials or goods shall be stored completely within the dwelling unit or accessory building.

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- d. All flammable or combustible compounds, products or materials shall be maintained and utilized in compliance with Fire Code NFPA-30.
 6. External structural alterations not customary in residential buildings shall not be permitted.
 7. Offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall not be permitted.
 8. The manufacture or repair of transportation equipment shall not be permitted as a home occupation.
 9. Vehicles associated with the home occupation shall be limited to one vehicle with a maximum axle load capacity of one and one-half tons.
- E. Short Term Rental Property (STRP)—Owner-Occupied. A STRP is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as a STRP pursuant to this section. In IWD, IR and IG, STRP is permitted as an accessory use to a multi-family use associated with Manufacturing, Artisan use.
1. Requirements and restrictions.
 - a. No person or entity shall operate a STRP or advertise a residential property for use as a STRP without the owner of the property first having obtained a STRP permit issued by the department of codes administration in accordance with the provisions of this chapter.
 - b. Any advertising or description of a STRP on any internet website must: (a) prominently display the permit number for the STRP unit; or (b) include an image of the permit, or a link to an image of the permit, in which the permit number is legible.
 - c. In IWD, IR, and IG, STRP—Owner-occupied is permitted as an accessory use to a multi-family use associated with manufacturing, artisan.
 - d. To qualify for an STRP—Owner-occupied permit, the owner of the property shall permanently reside in the STRP or, for conforming uses in single-family and one and two-family zoning districts, the owner shall permanently reside in a residential unit on the same lot. The owner of the property: (1) must be a natural person or persons; (2) may not be a limited liability entity, including without limitation a corporation or limited liability company; and (3) may not be an unincorporated entity, including without limitation a partnership, joint venture, or trust.
 - e. Only one permit shall be issued per lot in single-family and two-family zoning districts.
 - f. Ownership of two-family dwellings.
 - i. The property ownership of the two-family units cannot be divided.
 - ii. The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
 - iii. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP—Owner-occupied permit is valid.
 2. Application.
 - a. STRP permit applications shall be valid for ninety calendar days from the date filed and shall expire if the application process has not been completed within that time."
 - b. The STRP permit application shall verify by affidavit that all of the information being provided is true and accurate and the application shall include the following information:

- i. The name, telephone number, address, and email address of the owner and of a person or business ("responsible party") residing or located within twenty-five miles of the STRP that is responsible for addressing all maintenance and safety concerns;
 - ii. Proof of insurance evidencing homeowner's fire, hazard, and liability insurance. Liability coverage shall have limits of not less than one million dollars per occurrence.
 - iii. Proof of written notification to the owner of each adjacent property prior to filing the application. For each such adjacent property, proof of written notification shall be: (a) a signature of an owner; (b) a signed receipt of U.S. registered or certified mail addressed to an owner; or (c) notice from the U.S. Postal Service that registered or certified mail to an owner was refused or not timely accepted.
 - iv. For owners applying for an owner-occupied permit, two documents giving proof of owner-occupation shall be provided. Each document must be current and show the owner's name and address matching that of the property to be utilized for short term rental. Acceptable documentation includes: (a) Tennessee Driver's license; (b) other valid State of Tennessee identification card; (c) Davidson County voter registration card; (d) current employer verification of residential address or a letter from the employer on company letterhead with original signature. (If the employer does not have letterhead, the signature of the employer must be notarized.); (e) current automobile, life or health insurance policy. (Wallet Cards not accepted); (f) paycheck/check stub, (g) work ID or badge, (h) Internal Revenue Service tax reporting W-2 form; or (i) a bank statement.
 - v. A statement that the applicant has confirmed that operating the proposed STRP would not violate any home owners association agreement or bylaws, condominium agreement, covenants, codes and restrictions or any other agreement governing and limiting the use of the proposed STRP property.
 - vi. Proof of payment of all taxes due, including property taxes and, for permit renewals, all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
3. Signage. Any sign, as defined in Section 17.32.030.B of this Zoning Code, on a property used for a STRP shall be governed by the provision of Chapter 17.32, Sign Regulations, of this Zoning Code.
4. Regulations.
 - a. All STRP occupants shall abide by all applicable noise restrictions and regulations regarding the public peace and welfare contained in the Metropolitan Code, and all applicable waste management provisions of Chapter 10.20 of the Metropolitan Code.
 - b. The STRP shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards installed as follows:
 - i. In all sleeping areas.
 - ii. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - iii. In each story within the sleeping unit, including basements.
 - c. Parking shall be provided as required by Section 17.20.030. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the STRP use.

- d. No food shall be prepared for or served to the transient by the permit holder.
- e. The principal renter of a STRP unit shall be at least twenty-one years of age.
- f. Maximum occupancy. The maximum number of occupants permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit. Advertising a STRP for more occupants than allowed by this regulation shall be grounds for revocation of the permit.
- g. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four hours. The maximum stay for any guest shall be thirty consecutive days.
- h. The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.
- i. Expiration and renewal of permit.
 - i. A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
 - ii. For STRP units that have received no documented complaints to metro codes, police, or public works during the most recent permit period, a renewal application may be submitted by mail, online, or in person according to regulations promulgated by the metro codes department. All such renewal applications shall include:
 - (1) The payment of a fifty dollar renewal fee; and
 - (2) A statement verified by affidavit that:
 - (a) Includes all of the information required in an application under Section 17.16.250.E.2; and
 - (b) The STRP continues to be in full compliance with all applicable laws, including the payment of all applicable taxes.
 - iii. For an STRP that has received no documented complaints to metro codes, police, or public works during the most recent permit period, a thirty calendar day grace period for renewal after the expiration of the STRP permit may be allowed by the zoning administrator upon a showing by the owner of a reasonable explanation other than neglect or mistake for the delay.
 - iv. For an STRP with documented complaints to metro codes, police, or public works during the most recent permit period, no grace period shall be allowed and all permit renewal applications shall be submitted timely. The permit may be renewed upon the payment of a fifty dollar renewal fee, and the submission of a statement verified by affidavit that includes all of the information required in an application under Section 17.16.250.E.2.
- j. The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- k. A STRP permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property.
- l. Denial or Revocation of Permit.

- i. Upon the filing of a complaint regarding a STRP permit, the department of codes administration shall notify the permit holder in writing or by e-mail of such complaint.
- ii. If the zoning administrator determines, based on reasonably reliable information that the zoning administrator has obtained including without limitation public records or reports, records of regularly conducted activity, or a direct or online statement against a person's own interest, that three violations of this section or other Code sections referenced in this section have occurred within a twelve month period, the permit to operate a STRP may be revoked.
- iii. Before revoking any permit, the department of codes administration shall give the permit holder fifteen days written notice of the alleged violation(s) against him/her.
- iv. Any denial or revocation of a STRP permit may be appealed to the board of zoning appeals as an administrative appeal pursuant to Section 17.40.180.A. of the Metropolitan Zoning Code.
- v. Once a STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.
- vi. The penalty for operating a short term rental property without a permit shall be:
 - (1) A fifty dollar fine as imposed by a court of competent jurisdiction. Each day of operation without a permit shall constitute a separate offense.
 - (2) Upon a finding by the board of zoning appeals that a short term rental property has operated without a permit, there shall be a waiting period of up to one year from the date of such finding for the property to become eligible for a STRP permit, as determined by the BZA. Properties that have been denied a permit by the board of zoning appeals and made subject to the one year waiting period prior to October 4, 2016 may re-appeal to the board of zoning appeals with no payment of an appeal fee. The length of the waiting period shall be based upon whether the operator was aware or unaware of the requirement that the STRP have a permit. Evidence to be evaluated in making this decision may include but is not limited to:
 - (a) The testimony of the STRP operator;
 - (b) The testimony of neighbors or others with knowledge of the STRP operation;
 - (c) Evidence that the operator was informed of the requirement and disregarded this information;
 - (d) Evidence that the operator had looked into requirements and misunderstood them;
 - (e) Prior or repeat offenses by the operator under this section; and
 - (f) Whether the operator, upon being informed of the requirement, obtained or attempted to obtain a permit before renting the STRP again.
 - (3) Upon a finding of a court of competent jurisdiction that a short term rental property has operated without a permit, in addition to any other relief granted, there shall be a waiting period of three years from the date of such finding for the property to become eligible for a STRP permit.

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(Amdts. 5, 8, 9 to Ord. BL2017-608 § 6, 2018; Ord. BL2017-608 §§ 5, 6, 2018; Ord. BL2017-653 § 1, 2017; Amdt. 1 to Ord. BL2016-492 § 5, 2017; Ord. BL2016-492 § 5, 2017; Ord. BL2016-309 § 3, 2016; Ord. BL2015-1153 § 16, 2015; Ord. BL2015-1121 § 20, 2015; Ord. BL2014-909 § 3, 2015; Ord. BL2013-629 § 2, 2014; Amdt. 1 to Ord. BL2011-47 § 4, 2012; Ord. BL2011-47 § 4, 2012; Amdt. 1 with Ord. 98-1268 § 1 (part), 1998; § 2(2) of Amdt. 1 with Ord. 96-555 § 4.4(A), 1997)