

# HICKMAN COUNTY, TENNESSEE

## RESOLUTION NO. 08 – 56

### AMENDING SECTION 3.040 OF THE HICKMAN COUNTY ZONING RESOLUTION, “CUSTOMARY INCIDENTAL HOME OCCUPATIONS”

**WHEREAS**, on July 18, 2005, the Board of County Commissioners of Hickman County adopted Resolution No. 05-32 enacting a “Land Use Plan” for the unincorporated areas of the county; and

**WHEREAS**, said resolution consists of a document titled “Final Draft No. 2-05, Zoning Resolution for Hickman County, Tennessee” (Zoning Resolution); and

**WHEREAS**, Article III, Section 3.040, items (a) and (b) of said document provides an overview of incidental home occupations and charges the Hickman County Planning Commission with resolving questions relating to the legality of specific home occupations, (See Attachment A) for the existing Zoning Resolution language; and

**WHEREAS**, the Hickman County Regional Planning Commission, at their meeting of September 11, 2008, voted to recommend that Article III, Section 3.040, items (a) and (b) of the Zoning Resolution be amended to include the language in Attachment B of this resolution.; and

**WHEREAS**, the Board of County Commissioners is desirous of amending the current Article III, Section 3.040, items (a) and (b) to include the language in Attachment B;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of Hickman County, Tennessee, assembled in regular session this 27th day of October, 2008, that:

**SECTION 1:** Article III, Section 3.040, items (a) and (b) are amended as set forth in Attachment B to this resolution.

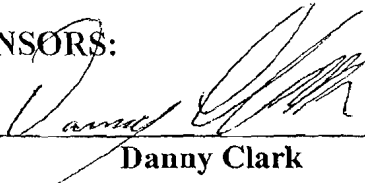
**SECTION 2:** The responsibility for granting a “special exception” to operate a home based occupation and to resolve issues relating to the legality, location and the appropriateness of a home based occupation is transferred from the Planning Commission to the Board of Zoning Appeals.

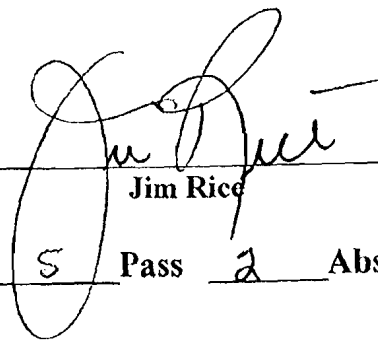
**SECTION 3:** Allows the use of an accessory building, in addition to a residential structure when operating a home based occupation.

**SECTION 4:** This amended article will become effective on December 1, 2008.

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SPONSORS:

  
Danny Clark

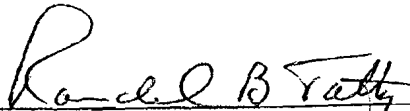
  
Jim Rice

BOARD ACTION: 11 Aye 3 Nay 5 Pass 2 Absent

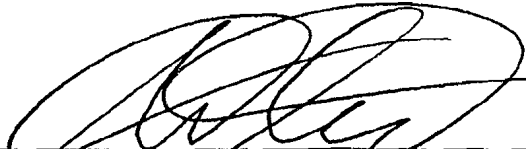
ADOPTED:

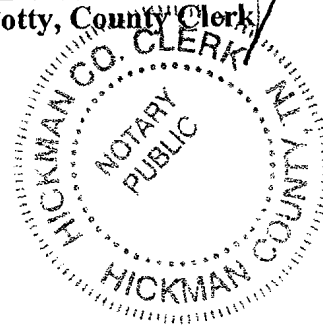
ATTEST:

  
Mark McFarlin, Chairman

  
Randel Totty, County Clerk

APPROVED/~~DISAPPROVED~~:

  
Steve Gregory, County Mayor



DATE: 11-3-08

ATTACHMENTS A & B

THIS LANGUAGE IS TO BE DELETED FROM SECTION 3.040  
AND REPLACED BY THE WORDING IN ATTACHMENT B.

3.040. Customary incidental home occupations.

- (a) A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and like professionals, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory building. An announcement sign of not more than four (4) square feet in area is permitted.
- (b) When questions arise regarding the legality of specific home occupations, planning commission shall determine whether a home occupation is in compliance within the district in which such home occupation is located. However, activities such as dancing instruction, band instrument instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, airmail clinics, retail sales business, or any other activity deemed by the planning commission to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

## Attachment B (THIS LANGUAGE REPLACES THAT IN ATTACHMENT A)

### 3.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

#### Type I Home Occupations

A Type I home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home~occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home~ occupation is in compliance with the district in which said home occupation is located. However, activities incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. Type I home occupations will require a special exception permit from the Board of Zoning Appeals.

#### Type II Home Occupations

The purpose of the Type II Home Occupations section of this resolution is to provide the opportunity for the use of the home for limited business purposes.

These criteria are designed to maintain the character of the surrounding residential or agricultural area, to minimize any conflicts of the home occupational use with the surrounding residential use, and to maintain and protect property values.

A Type II Home Occupation means an accessory use of a dwelling unit or an accessory building for gainful occupation or profession conducted by members of a family residing on the premises. A Type II Home Occupation must be clearly incidental to the primary use of the dwelling as a residence. An announcement sign of not more than four (4) square feet in area is permitted.

No nuisance effects (noise, vibration, odor, discharge of materials, fluids, gasses, excessive lighting, glare, fumes, electrical interference or any similar activity) shall emanate from the conduct of the home occupation which would adversely affect the health, safety, or tranquility of the surrounding neighborhood. This includes delivery or storage of trucks greater than eleven thousand (11,000) pounds gross vehicle weight.

To be classified as a home occupation under this category, the following criteria must be met:

1. No more than one (1) employee may work at the site of the business other than family members who reside in the dwelling. In no case shall the home occupation have more than three (3) employees working at the site.
2. No alteration to the dwelling shall indicate from the exterior that the building is being utilized for any purpose other than as a residential unit.
3. The Type II Home Occupation may be conducted in an accessory structure located on the same property as the owner's principal dwelling. This accessory structure shall be no larger than twenty-four hundred (2,400) square feet. A subordinate accessory structure may be located in the rear yard only. Any Type II Home Occupation that utilizes an accessory building shall have minimum lot size of five (5) acres. Accessory buildings shall be setback seventy-five (75) feet from adjacent residential or agricultural lots and at least one hundred-fifty (150) feet from an existing adjacent residence.
4. Accessory buildings used for home occupations shall be suitably screened from view from the road and adjacent residential and agricultural lots. This may be by a decorative fence or year-round vegetation or a combination of both.
5. No outdoor storage and/or display of merchandise shall be permitted. However, auto/light truck, marine, motorcycle, and farm equipment repair home occupations may build a fully screened (360 degrees) storage area for equipment awaiting repair. This area may be no larger than the size of the accessory building used for the home occupation. This area shall not be used for vehicles used for parts or other salvage equipment.
6. Retail sales shall be prohibited except for the retail sales of products, goods, or services produced on the premises as a result of the home occupation.
7. All parking (loading/ unloading) associated with the conduct of the home occupation shall be off-road. Ample area shall be provided on the site for these activities.
8. A general sketch plat (layout) of the applicant's property showing the location of the dwelling, driveway, parking area, accessory buildings, landscaping, etc., shall be submitted with the application.

When questions arise regarding the legality of specific home occupation, or if a previously permitted Home Occupation creates a potential nuisance or problems to the surrounding area, the Board of Zoning Appeals shall determine whether said Home Occupation meets the condition set forth in this section.

Uses permitted as special exceptions for Type II Home Occupations:

Appliance Repair, of items intended for normal household use including:  
Heat/AC Systems, Electronics, Washers~ and Dryers, etc.

Auto and Light Truck Repair  
Beauty/ Barber Shops  
Ceramics, Pottery, Sculpture, Art, Crafts  
Construction related services including Cabinet Making/Woodworking,  
General Building Contractors, Masonry, Stonework, Tile Setting,  
Plastering, Painting, Paper Hanging, Plumbing, Electrical Contractors,  
and other similar construction related professions not requiring outdoor  
storage or vehicles greater than 11,000 pounds gross vehicle weight.  
Farm Equipment Repair  
Lawn Mower Repair  
Marine and Watercraft Repair (but not their ~storage for a fee)  
Motorcycle Repair  
Offices Used for Professionals, including Accounting/Bookkeeping, Law,  
Real Estate, Architects, and Engineers.  
Small Engine Repair  
Tailor Shops  
Textiles  
Upholstery Shops  
Welding Shops  
*Other uses may be allowed that are similar to the above specified uses, in  
the opinion of the Board of Zoning Appeals.*

**Note:**

The Type II Home Occupations will be allowed as a special exception in the A-1 District only.

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