


ORDINANCE NUMBER O17-11-20

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE OFFICIAL ZONING CODE OF THE CITY OF COOKEVILLE, TENNESSEE, AS ADOPTED BY ORDINANCE NO. O01-11-15 ON DECEMBER 20, 2001 AND AS SUBSEQUENTLY AMENDED, FOR THE PURPOSE OF REVISING PROVISIONS FOR BED AND BREAKFAST HOMES AND INSERTING PROVISIONS FOR SHORT TERM RENTAL PROPERTIES

ORDINANCE NUMBER: O17-11-20
REQUESTED BY: Planning Commission
PREPARED BY: Planning Department
APPROVED FORM CORRECTNESS:


(City Attorney)
PUBLIC HEARING HELD: 12-7-17
PASSED 1ST READING: 12-7-17
PASSED 2ND READING: 12-21-17
MINUTE BOOK _____, PAGE _____

THE CITY COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE, HEREBY ORDAINS:

Section 1: That Section 202, Construction of Language and Definitions, Section 202.2 Definitions, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O01-11-15 on December 20, 2001, and as subsequently amended is hereby amended by deleting the definition for Bed and Breakfast and by inserting a definition for Bed and Breakfast Home, to read as follows:

BED AND BREAKFAST HOME. An owner occupied residential dwelling unit, that is used and/or advertised for rent for transient occupancy by guests for less than thirty (30) continuous days.

Section 2: That Section 202, Construction of Language and Definitions, Section 202.2 Definitions, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O01-11-15 on December 20, 2001, and as subsequently amended is hereby amended by inserting a definition of Short Term Rental Property, to read as follows:

SHORT TERM RENTAL PROPERTY. A residential dwelling unit, containing not more than four (4) sleeping rooms, that is used and/or advertised for rent for transient occupancy by guests for less than thirty (30) continuous days. The term Short Term Rental Property includes such terms as AirBnB, Vacation Rental By Owner (VRBO) and/or any individual or company involved in the rental of residential dwelling units for transient occupancy by guests (except those meeting the standards for Bed and Breakfast Homes). Residential dwelling units rented to the same occupant for thirty (30) or more continuous days, Bed and Breakfast Homes, boarding houses, hotels, and motels shall not be considered Short Term Rental Properties.

Section 3: That Section 206, Additional Standards for Certain Uses, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O01-11-15 on December 20, 2001, and as subsequently amended, is hereby amended by revising Section 206.3 entitled Bed and Breakfast Homes to read as follows:

SECTION 206.3 BED AND BREAKFAST HOMES

The following additional standards shall apply for all bed and breakfast homes:

- 206.3A In any RS, Single Family Residential zoning district the owner of the bed and breakfast home shall permanently reside in the dwelling and at least one adult member of the owner's immediate family shall remain on the premises while transient guests are in the home.
- 206.3B There shall be a maximum of five (5) guests. The maximum number of guest rooms available for rent shall be three (3) and the number of guest rooms shall be declared at the time of the submittal for approval by the Board of Zoning Appeals.
- 206.3C Guests shall have no special events, such as weddings, receptions, reunions, etc., at the location of the bed and breakfast home.
- 206.3D Subleasing of rooms by a guest is prohibited.
- 206.3E The principal structure for any bed and breakfast home located in a RS, Single Family Residential District shall consist of a minimum of 3,000 square feet.
- 206.3F No alteration to the residential structure shall indicate from the exterior that the structure is being utilized for any purpose other than a residential dwelling unit, including permitted accessory buildings.
- 206.3G Required off-street parking shall be located to the rear of the principal structure unless otherwise specially authorized by the Board of Zoning Appeals. The Board may require screening of off-street parking areas if determined necessary to minimize the impact on adjacent residential properties. A minimum of three (3) off-street parking spaces plus one (1) space per guest room shall be provided.
- 206.3H No guest shall stay for more than seven (7) consecutive days.
- 206.3I A current guest register shall be kept by the owner.
- 206.3J The only meal that may be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- 206.3K No food preparation or cooking shall be conducted in any guest room.
- 206.3L A Certificate of Appropriateness shall be issued by the Historic Zoning Commission prior to the establishment of a bed and breakfast home located in any Historic Zoning District.
- 206.3M Proof of insurance (fire, hazard and liability) shall be submitted annually to the Codes Department and shall remain in effect for the length of the operation of the Bed and Breakfast Home. The minimum liability coverage limit shall be \$1,000,000 per occurrence.
- 206.3N The provisions of Tennessee Code Sections 68-14-501 through 68-14-503 shall be met.

- 206.3O Approval of the special exception shall be revoked for any bed and breakfast home cited by the Codes Department for three (3) or more codes violations in any 12 consecutive month period. A property shall not be eligible to reapply for a special exception for a period of 12 consecutive months following revocation.
- 206.3P Special exception approval for a bed and breakfast home shall not be transferrable to a new owner of the dwelling.

Section 4: That Section 206, Additional Standards for Certain Uses, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. O01-11-15 on December 20, 2001, and as subsequently amended, is hereby amended by inserting a new Section 206.26 entitled Short Term Rental Properties to read as follows:

SECTION 206.26 SHORT TERM RENTAL PROPERTIES

The following additional standards shall apply to all short term rental properties (STRP):

206.26A PERMIT AND BUSINESS LICENSE REQUIRED

1. A STRP permit shall be obtained from the Codes Department by the owner of the property on which the STRP is located prior to the operation or advertisement for operation of a STRP.
2. A STRP Permit Fee of \$100 shall be submitted to the Codes Department.
3. A STRP Permit shall expire one (1) year from the date of issuance and may be renewed by the Codes Department for additional one (1) year periods upon the payment of a \$50 renewal fee per year and the resubmittal of an application and required information.
4. Prior to the issuance or renewal of a STRP permit a fire inspection of the premise shall be completed.
5. Prior to the issuance or renewal of a STRP permit a Business License shall be obtain from the City of Cookeville.
6. A STRP Permit shall be nontransferable.
7. A STRP Permit shall be revoked by the Codes Department for three (3) or more codes violations in any 12 consecutive month period. A property shall not be eligible to reapply for a STRP Permit for a period of 12 consecutive months following revocation.

206.26B APPLICATION

The following information shall be provided with the STRP permit application:

1. Name, phone number, mailing address and email address of the property owner.

2. Name, phone number, mailing address and email address of the person or entity responsible for maintenance of the STRP (if different than the property owner).
3. Proof of insurance (fire, hazard and liability) shall be submitted annually to the Codes Department and shall remain in effect for the length of the operation of the STRP. The minimum liability coverage limit shall be \$1,000,000 per occurrence.

206.26C STANDARDS FOR OPERATION

The following standards shall apply for the operation of a STRP:

1. The STRP owner shall not receive any compensation or remuneration to permit occupancy of a STRP for a period of less than twenty-four (24) hours.
2. The STRP owner shall maintain a guest log which shall include the number of guests and the dates they occupied the property.
3. The property owner shall be responsible for the collection and remittance of any applicable local or state room or sales taxes required by state law or the Cookeville Municipal Code.
4. A copy of the STRP permit shall be posted in a conspicuous place within the dwelling unit.
5. Maximum Occupancy. No more than two (2) adults and two (2) minor dependent children per sleeping room shall be permitted.
6. If the STRP is not owner-occupied, the property owner shall cause to be posted within the unit the name, phone number, mailing address and email address of the person or entity responsible for maintenance of the STRP. For the purpose of these provisions, "owner-occupied" shall mean that the property owner of the property permanently resides in the STRP.
7. The preparation of food in any sleeping room is prohibited.
8. Off-street parking constructed to the standards specified in Section 205 of this Zoning Code shall be provided at a rate of 1.25 spaces per bedroom/sleeping room.
9. Smoke detectors shall be provided in each sleeping room, immediately outside the sleeping rooms and on each floor of the structure, including basements. The smoke detectors shall be hard wired and interconnected and have battery backups.
10. A five (5) pound ABC fire extinguisher shall be provided and the fire extinguisher shall have a third party certification tag.
11. Each sleeping room shall have an operable second means of egress.

Section 5: That Sections 215, RM-8, Multi-Family Residential District; 216, RM-14, Multi-Family Residential District; 218 PRD, Planned Residential District; 219 CBD, Central Business District; 220 CN, Neighborhood Commercial District; 221 CL Local Commercial District; 222 CG, General Commercial District; 225 MS, Medical Services District; and 226 UNV, University District of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. 001-11-15 on December 20, 2001, and as subsequently amended, are hereby amended by inserting as permitted uses Bed and Breakfast Homes and Short Term Rental Properties, subject to the provisions of Section 206.26 of this Zoning Code.

Section 6: That Sections 215, RM-8, Multi-Family Residential District; 216, RM-14, Multi-Family Residential District; 219 CBD, Central Business District; 220 CN, Neighborhood Commercial District; 221 CL Local Commercial District; and 226 UNV, University District of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. 001-11-15 on December 20, 2001, and as subsequently amended, are hereby amended by deleting as uses permitted on appeal (special exceptions) Bed and Breakfast Establishments, subject to the provisions of Section 206.26 of this Zoning Code.

Section 7: That Section 234, Chart of Permitted Land Uses By Zoning District, of the Official Zoning Code of the City of Cookeville, Tennessee, as adopted by Ordinance No. 001-11-15 on December 20, 2001, and as subsequently amended, is hereby amended by inserting Bed and Breakfast Homes and Short Term Rental Properties as a Permitted Use in the RM-8, Multi-Family Residential, RM-14, Multi-Family Residential, PRD, Planned Residential, CBD, Central Business, CN, Neighborhood Commercial, CL, Local Commercial, and CG, General Commercial, MS, Medical Services, and UNV, University District and by deleting Bed and Breakfast Home as a use permitted by special exception.

Section 8: This Ordinance shall take effect fourteen (14) days from and after its passage, the public welfare requiring it.

THE CITY OF COOKEVILLE, TENNESSEE



Ricky Shelton, Mayor

ATTEST:



Cathy McClain, City Clerk