

ORDINANCE 2018-6

AN ORDINANCE TO AMEND TITLE 14, SECTIONS 201 AND 202(3)(a) OF THE ZONING CODE TO PROHIBIT SHORT-TERM RENTAL UNITS.

WHEREAS, the City of Belle Meade has adopted a Zoning Code, Title 14-201 *et seq* of its Code, which governs land use and the construction and improvement of structures within the City and the use of property;

WHEREAS, the City of Belle Meade, a Tennessee municipality, is a residential community, which has adopted ordinances to protect the public health, safety, and welfare of its residents, including but not limited to a Zoning Ordinance; and

WHEREAS, the provisions of the Zoning Ordinance protect the character and maintain the stability of the City's residential community by allowing only residential districts in the City, which districts allow for single family dwellings that require permanent, not transient, occupancy, and by prohibiting non-single family residential uses, including commercial activity, structures designed for transient residence, and dwellings in which one or more rooms are rented to unrelated tenants; and

WHEREAS, despite many years of consistent compliance by the owners of single family residences in the City, some of the owners of improved real property in the City have begun engaging in the recent, nationwide residential housing activity, of short term rental of homes, or rooms in homes, for short term, transient occupancy, whether known as, or conducted by commercial businesses known as, "AirBNB", Vacation Rentals by Owner, or by some other name; **and**

WHEREAS, because of the perceived potential economic benefit by some property owners in the City of Belle Meade, and the economic benefit to companies located outside of the City of Belle Meade, and even outside the State of Tennessee, which advertise and coordinate these short term, transient rentals, and obtain profits through the facilitation of short term property rental in the City of Belle Meade, some persons have advocated for the City of Belle Meade to discontinue its prohibition on short term, transient rentals; and

WHEREAS, such activity is inconsistent with and in violation of the City's existing Zoning Ordinance; and

WHEREAS, the Tennessee legislature, in 2018, passed Public Chapter 972, the "Short-Term Rental Unit Act," which amends Tennessee Code Annotated, Title 13, Chapter 7, and authorizes municipalities to both regulate and prohibit the use of property for short-term rentals; and

WHEREAS, the City of Belle Meade's Board of Commissioners finds that the operations of short term or transient rentals, where residents rent to visitors is detrimental to the community's welfare because transient occupants of such rentals do not have and will not be able to establish any connections to the Belle Meade community and to the residential neighborhoods in which they are visiting, and the presence of such transient visitors within the

City's residential neighborhoods can disrupt the quietude and residential character of the neighborhoods and adversely impact the community; and

WHEREAS, the City of Belle Meade desires to affirm its prohibition on short term or transient rentals and the City desires to adopt this ordinance in response to requests that the City discontinue its prohibition on short term or transient rentals and to add to the existing prohibition on short term rentals a specific, separate section of the Zoning Ordinance to address same: and

WHEREAS, public notice has been given and a public hearing on this Amendment to the Zoning Ordinance has been held in accordance with Tenn. Code. Ann. Sections 13-7-203 and 204.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLE MEADE, TENNESSEE, that Title 14. Zoning and Land Use Control; Chapter 2. Zoning Ordinance for the City of Belle Meade, as codified in the Municipal Code of the City of Belle Meade is hereby amended as follows:

SECTION ONE: BE IT ORDAINED BY THE BOARD OF COMMISISONERS OF THE CITY OF BELLE MEADE that Title 14, Section 201 (2) of the Zoning Code shall be amended to add the following definition, with all succeeding definitions in that section to be re-ordered accordingly:

Section 14-201 (2) Terms and Definitions

* * *

- (x) "Short Term Rental Unit". A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days.

SECTION TWO: BE IT ORDAINED BY THE BOARD OF COMMISISONERS OF THE CITY OF BELLE MEADE that Title 14, Section 202 (3) of the Zoning Code shall be amended to delete that subsection in its entirety and to substitute the following therefor:

Section 14-202 (3) Prohibited Uses.

- (a) Rental property. No dwelling, accessory building, living quarters, pool house, or other building, structure, premises or site may be used as a short term rental unit as herein defined. Any use of property as a short term rental unit prior to the effective date of this ordinance may continue as permitted by state statute, Tenn. Code Ann. §§13-7-601 to 606.

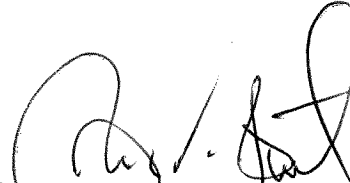
SECTION THREE: BE IT FINALLY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BELLE MEADE THAT THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS REQUIRING IT.

Passed on first reading:
September 19, 2018

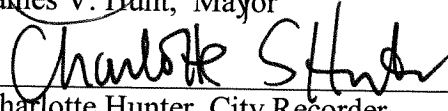
Municipal Planning Commission consideration:
October 16, 2018

Public Hearing:
October 17, 2018

Passed on Second Reading:
October 17, 2018



James V. Hunt, Mayor



Charlotte Hunter, City Recorder