

**ORDINANCE NO. 2022-05-09-3 Bed and Breakfast/Short-term Rental Properties**

**AN ORDINANCE TO AMEND SECTION 8 OF ARTICLE VI OF THE ZONING ORDINANCE FOR THE TOWN OF GORDONSVILLE, TENNESSEE. SAID AMENDMENT DELETES SECTION 8 IN ITS ENTIRETY AND REPLACES IT WITH THE FOLLOWING REGULATIONS CONCERNING BED AND BREAKFAST HOMES AND SHORT-TERM PROPERTIES**

**WHEREAS** Sections 13-7-203 and 13-7-204 of Tennessee Code Annotated provides that the text of a municipal zoning ordinance may from time to time be amended: and

**WHEREAS**, the Gordonsville Municipal Planning Commission, at its regular monthly meeting on April 28, 2022, did make a recommendation to the Gordonsville Board of Mayor and Aldermen for adoption of the captioned zoning ordinance amendment: and

**WHEREAS**, the Gordonsville Board of Mayor and Aldermen has given due notice of a public hearing to said amendment.

**NOW, THEREFORE BE IT ORDAINED** by the Gordonsville Board of Mayor Aldermen that, under **ARTICLE VI, SUPPLEMENTARY REGULATIONS** of the Gordonsville Zoning Ordinance, **SECTION 8, BED AND BREAKFAST ESTABLISHMENTS** be deleted in its entirety and that the following regulations be added to this section of the ordinance.

**SECTION**

- A. Definitions**
- B. Standards for Bed and Breakfast Homes**
- C. Standards for Short Term Rental Properties (STRP)**
- D. Zoning requirements for Bed and Breakfast Homes**
- E. Zoning requirements for STRP**

**A. Definitions**

**1. "Bed and Breakfast Home"** means a residential dwelling unit that is used and/advertised for rent for transient occupancy by guests for not more than seven (7) continuous days that includes a daily breakfast meal prepared and served by the owner or someone in their employ.

**2. "Short Term Rental Property"** means 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 that thirty (30) continuous days. The term Short Rental Property includes such terms as Airbnb, Vacation Rental by Owner (VRBO) and/or any individual or company involved in the residential dwelling units for transient occupancy by guest (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.

**B. Standards for Bed and Breakfast Homes** The following standards shall apply for all Bed and Breakfast Homes:

**1. Permit and Business License Required for Bed and Breakfast Homes**

a. A permit for a Bed and Breakfast Home shall be obtained from the Building Inspector by the owner of the property in which the Bed and Breakfast Home is to be located prior to the operation or advertisement for operation of a Bed and Breakfast Home.

b. A one-time initial permit fee of one-hundred dollars (\$100) for a Bed and Breakfast Home shall be submitted to Town Hall with the application for a Bed and Breakfast Home.

c. A permit for a Bed and Breakfast Home shall expire one (1) year from the date of issuance and may be renewed by the Building Inspector for additional one-year periods upon the payment of a fifty-dollar (\$50) renewal fee per year, and the resubmittal of an application with required information.

d. Prior to the issuance or renewal of a permit for a Bed and Breakfast Home, a fire inspection shall be completed by the Building Inspector.

e. A business license shall be obtained from the Town of Gordonsville prior to the issuance or renewal of a Bed and Breakfast Home.

f. A permit for a Bed and Breakfast Home shall not be transferable to a new owner.

g. A Bed and Breakfast Home permit shall be revoked by the Building Inspector for three (3) or more codes violations in any twelve (12) consecutive month period. A property having a Bed and Breakfast Home permit revoked shall not be eligible to reapply for a Bed and Breakfast Home permit for a period of twelve (12) consecutive months following revocation.

**2. Application Requirements for a Bed and Breakfast Home**

The application for a Bed and Breakfast Home permit shall as a minimum include the following:

a. Name, phone number, mailing address and e-mail address of the property owner.

b. Name, phone number, e-mail address, and e-mail address of the person or entity responsible for maintenance of the Bed and Breakfast Home (if different from the property owner).

c. Proof of insurance (fire, hazard, and liability) shall be submitted annually to Town Hall and shall remain in effect for the length of operation of the Bed and Breakfast Home. The minimum liability coverage limits shall be one-million dollars (\$1,000,000) per occurrence.

### **3. Standards for Operation of Bed and Breakfast Homes**

a. The owner of a permitted Bed and Breakfast Home, or someone in their employ shall be present to check-in transient guests and to prepare and serve a breakfast meal to transient guests in the home each day guests are present.

b. There shall be a maximum of six (6) guests at any time. The maximum number of guest rooms available for rent shall be three (3), and the number of guest rooms shall be stated at the time of application to the Building Inspector for a permit to operate a Bed and Breakfast Home.

c. Guests shall have no special events involving persons in addition to the guests, such as weddings, receptions, reunions, etc., at the location of the Bed and Breakfast Home.

d. Subleasing of rooms by a guest is prohibited.

e. The principal structure for any Bed and Breakfast Home shall consist of a minimum of one-thousand, five hundred (1,500) square feet of living area.

f. No alteration to the residential structure being used as a Bed and Breakfast Home shall indicate from the exterior that it is being utilized for any purpose other than a residential dwelling unit, including permitted accessory buildings.

g. Required off-street parking shall be located to the rear or on the side of the principal structure, unless specifically authorized by the Board of Zoning Appeals. On-street parking for guests in a Bed and Breakfast Home shall not be allowed.

h. No guest shall stay for more than seven (7) consecutive days.

i. A current guest register shall be kept by the owner.

j. Meals shall only be prepared for and served to guests taking lodging in the home.

k. No food preparation or cooking shall be conducted in any guest room.

l. Proof of insurance (fire, hazard, and liability) shall be submitted annually to Town Hall, and shall remain in effect for the length of the operation of the Bed and Breakfast Home. The minimum liability coverage limit shall be one million \$1,000,000 per occurrence.

m. The provisions of Tennessee Code Annotated, Sections 68-14-501 through 68-14-503, known as the Bed and Breakfast Establishment Inspection Act of 1990, shall be met.

C. **Standards for Short-Term Rental Properties (STRP)** The following standards shall apply for all short-term rental properties (STRP).

**1. Permit and Business Licensed Required for STRP**

a. A permit for a STRP shall be obtained from the Building Inspector by the owner of the property in which the STRP is to be located, prior to the operation or advertisement for operation of a STRP.

b. A one-time initial permit fee of one-hundred dollars (\$100) for a STRP shall be submitted to Town Hall with the application for a STRP permit.

c. A permit for a STRP shall expire one (1) year from the date of issuance and may be renewed by the Building Inspector for additional one (1) year periods, upon the payment of a fifty-dollar (\$50) renewal fee per year, and the resubmittal of an application with required information.

d. Prior to the issuance or renewal of a permit for a STRP, a fire inspection shall be completed by the Building Inspector.

e. A business license shall be obtained from the Town of Gordonsville prior to the issuance or renewal of a STRP permit

f. A permit for a STRP shall not be transferrable to a new owner.

g. A STRP permit shall be revoked by the Building Inspector for three (3) or more codes violations in any twelve (12) consecutive month period. A property having a STRP permit revoked shall not be eligible to reapply for a STRP permit for a period of twelve (12) consecutive months following revocation.

**2. Application Requirements for STRP**

The application for a STRP permit shall as a minimum include the following:

a. Name, phone number, mailing address, and e-mail address of the property owner.

b. Name, phone number, e-mail address, and e-mail address of the person or entity responsible for maintenance of the STRP (if different from the property owner).

c. Proof of insurance (fire, hazard, and liability) shall be submitted annually to Town Hall and shall remain in effect for the length of operation of the STRP. The minimum liability coverage limits shall one-million dollars (\$1,000,000) per occurrence.

### **3. Standards for Operation of a STRP**

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

a. The STRP owner shall not receive any compensation or remuneration to allow occupancy of a STRP for a period of less than twenty-four (24) hours.

b. The STRP owner shall maintain a guest log which shall include the number of guests and the dates they occupied the property.

c. The property owner shall be responsible for the collection and remittance of any applicable local or Tennessee State room or sales taxes required by Tennessee law or the Gordonsville Municipal Code.

d. A copy of the STRP permit shall be posted in a conspicuous place within the dwelling unit.

e. There shall be a maximum of eight (8) guests in a residential dwelling unit operating under a STRP permit at any time. There shall be no more that two (2) adults or two (2) adults and two (2) minor dependent children per sleeping room.

f. 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 the e-mail address of the person or entity responsible for maintenance of the STRP. For the purposes of these provisions, "owner occupied" shall mean that the property owner of the property resides in STRP.

g. The preparation of food in any sleeping room is prohibited.

h. Off-street parking, constructed to the standards specified in Article III of the Gordonsville Zoning Code, shall be provided at a rate of 1.25 spaces per bedroom/sleeping unit. On-street parking for guests in a STRP shall not be allowed.

i. Operable smoke detectors shall be provided in each sleeping room, immediately outside the sleeping rooms, and on each floor of the structure, including basements.

j. A five (5) pound ABC fire extinguisher shall be provided, and the fire extinguisher shall have a third party certification tag.

**D. Zoning requirements for Bed and Breakfast Homes**

Bed and Breakfast homes are permitted in Zoning Districts C-1 and C-2 and are allowed as a Use on Appeal (special exception) in Zoning Districts R-1, R-2, and A-1 of the Town as shown on the official Gordonsville Zoning Map. A Use on Appeal (special exception) requires approval by the Board of Zoning Appeals following a public hearing.

**E. Zoning requirements for Short-Term Rental Properties (STRP)**

Short-term rental properties (STRP) are allowed as a Use on Appeal (special exception) in all zoning districts of the Town as shown on the official Gordonsville Zoning Map. A Use on Appeal (special exception) requires approval by the board of zoning appeals following a public hearing.

**BE FURTHER ORDAINED THAT THIS ORDINANCE SHALL TAKE EFFECT ON PASSAGE OF FINAL READING, THE PUBLIC WELFARE REQUIRING IT.**

PUBLICATION NOTICE \_\_\_\_\_ PUBLIC HEARING \_\_\_\_\_  
PASSED 1<sup>ST</sup> READING \_\_\_\_\_  
PASSED FINAL READING \_\_\_\_\_

ADOPTED BY THE GORDONSVILLE BOARD OF MAYOR AND ALDERMEN

\_\_\_\_\_  
Mayor of Gordonsville

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Gordonsville City Recorder

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date