

**City of Goodlettsville
Board of Zoning and Sign Appeals
MEETING AGENDA**

Tuesday July 2, 2024

5:00 PM

GOODLETTSVILLE CITY HALL - MASSIE CHAMBERS

Approval of June 4, 2024 Meeting Minutes

(PUBLIC HEARING)

ITEM#1 Eric Fishman, MD/ Property Owner Representative: Requests an administrative appeal of a short-term rental violation notice at 1357 Madison Creek Road. The 21.9-acre property referenced as Sumner County Tax Map/Parcel# 14002205000 is zoned R-40, Low Density Residential. Zoning Ordinance Sections: 14-201 (3)(jjjj)(kkkk) and 14-206 (5)(e)(iv) Property Owner: Equitable Trust TR of Qualia 177 IRR Trust

*A government committed to operating with efficiency and integrity in all we do
as we strive to enhance the quality of life for the community we serve.*

105 S. Main Street – Goodlettsville, TN 37072 – 615-851-2202

www.goodlettsville.gov

OFFICIAL MINUTES OF THE MEETING

GOODLETTSVILLE BOARD OF ZONING AND SIGN APPEALS

June 4, 2024

Goodlettsville City Hall

5:00 p.m.

Massie Chambers-Auditorium

Present: Jimmy D. Anderson, Stuart Huffman, Larry Jones, Brian Rager and Mark Writesman.

Absent: None

Also Present: Addam McCormick (Staff), Tim Ellis-City Manager, Russell Freeman-City Attorney, Jenni Lester (Staff), and Sharon Reed (Staff).

Chairman Brian Rager called the meeting to order at 5:00 pm and declared a quorum.

Approval of May 7, 2024 Meeting Minutes: Writesman made a motion to approve the minutes of the May 7, 2024 meeting, Anderson seconded the motion. Motion was approved.

AGENDA

Item #1 Joseph Spicer, Property Owner: Requests a front building setback for a proposed building addition at 600 Wade Circle. The 0.27-acre property is zoned CSL, Commercial Services Limited. The property is referenced as Davidson County Tax Map/Parcel# 02614003600. Zoning Ordinance Section 14-206 (4)(e).

Staff Discussion:

- The proposal is for a front building setback variance to permit the addition of a twenty-one (21') x twenty-six (26') feet / 567 sq. ft. addition to the existing building.
- The proposed addition is to permit an increased occupancy for a proposed restaurant/bar facility.
- The subdivision plat of the property (recorded July 1974) defines a minimum twenty (20') feet front building setback.
- The property is zoned CSL, Commercial Services Limited.
- The Zoning Ordinance requires a minimum forty (40') feet front building setback.
- The 0.27-acre property/ 11, 761 square feet is a non-conforming lot of record.
- The CSL zoning requires a minimum lot size of 20,000 square feet.
- The lot was created prior to the current Zoning Ordinance requirements.
- The Board can review setback variances for non-conforming lots as defined in the Zoning Ordinance Section 14-212 (3).
- Per the applicant's building plan addition proposal, the setback variance request is for a five (5') to seven (7') feet front building setback.
- The front property line is adjacent to a City road right of way.
- The right of way was originally designated to provide access to the property currently developed as BJ's Wholesale.
- Since the applicant's request has been submitted, the Goodlettsville City Commission has reduced the minimum building occupancy required to obtain a City beer service license from eighty (80) to forty (40) occupants.
- The property currently contains twenty-five (25) parking spaces.
- The City's Zoning Ordinance for food and beverage services requires one parking space per two (2) seats.
- The proposed use including the 567 square expansion is for ninety-six (96) occupants.
- The minimum parking requirement would be forty-eight (48) parking spaces.
- The proposal would require twenty-three (23) additional parking spaces provided with off-street parking agreements.

- Staff presented Zoning Ordinance Section 14-212 (3), 14-208 (2)(d), and 14-213 (8)(c).
- Staff Stipulation-Owner to obtain written off-site parking agreements to accommodate the parking requirements for a proposed restaurant/food service use with the 576-building addition. The minimum parking provided on and off site to be based on a proposed use occupancy of ninety-six (96).
- Staff Stipulation#2 was removed due to plans including the accessible parking spaces
- Staff Stipulation-Revised site design to incorporate increased front building setback of fifteen (15') feet to provide more space between building and any future use of the public right of way. The CSL zoning minimum side setback is fifteen (15') feet.
- Motion Option-To approve the variance request with staff stipulations based on the request meeting the variance review criteria providing a reasonable use of the property due to the property conditions and location on a limited use right of way section. (Staff recommendation with defined stipulations.)
- Motion Option-To deny the variance request based on the request not meeting the Zoning Ordinance variance review criteria as determined by the Board during the meeting.
- Motion Option-To defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: Joseph Spicer, Property Owner

Public Hearing Opened: No one requested to speak.

Public Hearing: Closed

Board Discussion:

- Writesman asked McCormick how the property fits with the Credit Union property.
- McCormick responded the Credit Union property fronts Rivergate Parkway and does not think it will affect the Property with the addition on the front.
- Freeman discussed the additional square footage and seating requirements.
- McCormick responded and discussed the minimum seating requirement for beer license.
- Freeman discussed an agreement or easement for the off-site parking and description of both formats
- Spicer discussed buying the property two (2) years ago to turn it into an organic food restaurant.
- Spicer discussed leasing the property in back of the building that is owned by TDOT for additional parking.
- Huffman discussed the stipulation for leasing the property from TDOT.
- Spicer responded he did not know how the lease would transfer in the future and he is looking for longevity.
- Ellis discussed leasing from TDOT not transferable.

Motion: Writesman made a motion to approve with defined staff stipulation one (1) and three (3), seconded by Anderson. The motion passed.

Item #2 David Andrews, Property Owner: Request a front building setback for a proposed building addition at 916 E. Cynthia Trail. The 0.64-acre property is zoned R25, Low Density Residential. The property is referenced as Sumner County Tax Map/Parcel#. 143B C00800. Zoning Ordinance Section 14-205 (4)(f).

Staff Discussion:

- The request is for a front building setback variance to construct ten feet (10'-2") two inch front addition to incorporate a covered front entry ramp.
- The ramp is requested based on the property owner's building access needs.
- The property subdivision plat includes a fifty (50') feet front building setback.
- The R25, Low Density Residential zoning district requires a minimum forty (40') feet front building setback.
- Per the applicant's measurement information the proposed addition would require a front setback of forty-three feet (43'-10").

- The request is for a seven (feet) front building setback variance from the recorded subdivision plat.
- The request was rounded up to seven (7) feet to accommodate any minor construction changes.
- Staff previously discussed with the applicant that a ramp or stairs constructed without a covered roof would not require a setback variance request.
- The applicant's intention is to maintain the appearance of the neighborhood homes and provide a ramp installation protected from the weather.
- Staff presented Zoning Ordinance Section 14-213 (8)(c).
- Motion Option-To approve the variance request based on the request meeting the variance review criteria providing a reasonable use of the property due to the property conditions.
- Motion Option-To deny the variance request based on the request not meeting the Zoning Ordinance variance review criteria as determined by the Board during the meeting.
- Motion Option-To defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: David Andrews, Property Owner

Public Hearing Opened: No one requested to speak.

Public Hearing: Closed

Board Discussion:

- Andrews discussed living at this property for thirty-five (35) years and needing to add an ADA ramp to the front for ongoing medical issues in the dwelling.
- Andrews discussed covering the ramp to protect it from the weather making it more practical and a better aesthetic look.
- Writesman discussed the drop off in back of the property.
- Andrews responded a forty-six (46') foot drop from the front street elevation.
- McCormick discussed the slope in the back and not sure where else you could put a ramp.

Motion: Anderson made a motion to approve the variance request based on the request meeting the variance review criteria providing a reasonable use of the property due to the property conditions, seconded by Huffman. The motion passed.

Item #3 Gateway Christian Center, Inc: Request approval for a religious facilities conditional use to extend the use onto an adjacent property at 122 East Avenue. The 0.28-acre property is zoned R10, Medium Density Residential. The property is referenced as Davidson County Tax Map/Parcel #02601005400. Property Owner: United Methodist Ren. Serv. Fellowship, Inc. Zoning Ordinance Section 14-205 (3)(b).

Staff Discussion:

- The request is for conditional use approval to expand the existing adjacent church use onto the property referenced above.
- The request is to use the existing building on the property referenced above for church functions including office and administration uses.
- The building is currently owned by another adjacent church that has used the building/property for residential uses.
- This is unique request since the applicant already owns and operates a church assembly use on the adjacent property.
- The request does not meet the specific conditional use criteria of minimum property acreage and location on a major roadway but the area includes multiple existing church uses.
- Staff presented Zoning Ordinance Section 14-213 (9)(c) and 14-213 (9)(e)(x).

- Stipulation-Applicant's request for future limited site improvements to include landscape screening along property boundaries adjacent to residential properties/ homes.
- Stipulation-Applicant's request for extensive site improvements to be reviewed by the City's Planning Commission and include landscaping and solid fence screening barriers along adjacent residential properties/homes.
- Motion Option-To approve the conditional use request including staff stipulation and any additional stipulations meeting the conditional use general review criteria as determined by the Board during the meeting. (Staff recommendation)
- Motion Option-To deny the conditional use request based on the request not meeting the Zoning Ordinance conditional use general and specific review criteria as determined by the Board during the meeting.
- Motion Option-To defer the request for the applicant to provide additional information as determined by the Board during the meeting.

Applicant: Mike Peasall, Pastor, 120 East Ave.

Public Hearing Opened: No one requested to speak.

Public Hearing: Closed

Board Discussion:

-Peasall stated they want to use the property for office space, prayer ministries, and kitchen facilities.

Motion: Writesman made a motion to approve the conditional use request including staff stipulations meeting the conditional use general review criteria, seconded by Anderson. The motion passed.

With no further business, Anderson made the motion to adjourn, seconded by Jones.

The meeting adjourned at 5:38 pm.

Brian Rager, Chairman

Sharon Reed, Planning Assistant

City of Goodlettsville
Board of Zoning and Sign Appeals
STAFF AGENDA REPORT
Tuesday July 2, 2024

5:00 PM

ITEM#1 **Eric Fishman, MD/ Property Owner Representative:** Requests an administrative appeal of a short-term rental violation notice at 1357 Madison Creek Road. The 21.9-acre property referenced as Sumner County Tax Map/Parcel# 14002205000 is zoned R-40, Low Density Residential. Zoning Ordinance Sections: 14-201 (3)(jjjj)(kkkk) and 14-206 (5)(e)(iv) Property Owner: Equitable Trust TR of Qualia 177 IRR Trust

STAFF NOTES:

The request is an administrative appeal of the short-term rental violation notice dated February 22, 2024. The on-line appeal application was submitted on March 21, 2024. The applicant requested a delayed meeting date due to issues with residing out of state.

Per applicant's Board of Zoning and Sign Appeals application:

This 20 acre+ parcel is part of 50+ acres that I own, inclusive of 1357 Madison Creek Road and 1361 Madison Creek Road. In my opinion, it is unlikely that any short-term rental usage will adversely affect any of my neighbors or the neighborhood in general.

For clarity, I am applying on behalf of the owner Equitable Trust Co, TR of Qualia 27 Irr Trust. I am the sole beneficiary of that trust.

The Zoning Ordinance section 14-213 (7)(d)(i) defines the administrative appeal process for the Board of Zoning and Sign Appeals. The appeal is the available due process for the review of City Zoning Ordinance violations notices. The Zoning Ordinance short term rental property sections referenced in the attached violation notice were adopted by the City per Ordinances 18-928 and 19-954 approved on January 10, 2019 and October 10, 2019. The property referenced above is zoned R-40, Low Density Residential. The zoning violation notice was concerning the short-term rental property use not being permitted in the R-40, Low Density Residential zoning district.

MOTION OPTIONS:

1. Motion to approve the applicant's administrative appeal based on the Board's findings during the meeting that the violation notice and referenced Zoning Ordinance sections were incorrectly applied with the violation notice.
2. Motion to deny the applicant's administrative appeal based on the Board's findings during the meeting that the violation notice and referenced Zoning Ordinance sections were correctly applied with the violation notice .
3. Motion to defer the request for the applicant to provide additional information as determined by the Board during the meeting

***Staff recommendation to be provided during meeting**

Referenced Zoning Ordinance Sections:

14-201 (3) Definitions

Short term rental property (STRP) is defined as a residential dwelling unit, containing not more than five sleeping rooms, that are used and/or advertised for transient occupancy.

Transient means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than 30 continuous days.

14-206 (5)(e)(iv) Commercial Use Regulations

(e)Special regulations applying to transient habitation

(iv)Short term rental property (STRP) shall have no more than five (sleeping rooms) and shall only be permitted within the following zoning classifications: Commercial services limited (CSL), commercial core overlay (CCO), commercial services (CS), commercial general (CG) and core commercial (CC).

14-213 (7)(d)(i) Board of Zoning and Sign Appeals-Powers

(d)Powers of the board. The board is hereby vested with the powers to:

Hear and decide appeals from any order, requirement, decision, or determination made by the codes administrator in carrying out the enforcement of this title, whereby it is alleged in writing that the codes administrator is in error or has acted in an arbitrary manner;

APPENDIX A

TABLE I

P- PERMITTED USE

N- NOT A PERMITTED USE

C- PERMITTED ONLY BY CONDITIONAL USE

LAND USE ACTIVITY MATRIX

ACTIVITY	ZONING DISTRICTS											
								PUD				
	A	R40	R25	R15	R10	R7	LDR	MDR	HDR	RC1	RC2	MHP*
PERMANENT RESIDENTIAL												
Dwelling, attached	N	N	N	N	N	N	N	P	P	P	P	N
Dwelling, one-family detached	P	P	P	P	P	P	P	P	P	N	N	N
Dwelling, two-family detached	N	N	N	P	P	P	P	P	P	N	N	N
Dwelling, semi-detached	N	N	N	N	P	P	N	N	P	N	N	N
Dwelling, multi-family	N	N	N	N	N	N	N	N	P	P	P	N
Dwelling, mobile home	N	N	N	N	N	N	N	N	N	N	N	P
Bed & Breakfast Homestay	C	C	C	C	C	C	N	N	N	N	N	N
Mobile Home Park	N	N	N	N	N	N	N	N	N	N	N	P
SEMI PERMANENT RESIDENTIAL	N	N	N	N	C	C	N	N	N	N	N	N
COMMUNITY FACILITY ACTIVITIES												
Administrative	C	C	C	C	C	C	N	P	N	P	P	N
Community Assembly	N	N	N	N	N	N	P	P	P	P	P	N
Community Education	C	C	C	C	C	C	P	C	P	P	P	N
Cultural and Recreation Services	C	C	C	C	C	C	C	C	C	P	P	N
Essential Services	C	C	C	C	C	C	C	N	C	N	N	C
Extensive Impact	N	N	N	N	N	N	N	N	N	N	N	N
Health Care	N	N	N	N	N	N	N	N	N	P	P	N
Institutional Care	N	N	N	N	N	N	N	P	N	N	N	N
Intermediate Impact	C	C	C	C	C	C	P	**	P	C	C	N
Personal & Group Care	**	**	**	**	**	**	**	N	P	P	P	**
Religious Facilities	C	C	C	C	C	C	N	N	N	P	P	N
COMMERCIAL ACTIVITIES												
Adult Oriented Establishment *****	N	N	N	N	N	N	N	N	N	N	N	N
Animal Care & Veterinarian Services	N	N	N	N	N	N	N	N	N	P	P	N
Automotive Parking	N	N	N	N	N	N	N	N	N	P	P	N
Automotive Repair and Cleaning	N	N	N	N	N	N	N	N	N	N	N	N
Automotive Servicing	N	N	N	N	N	N	N	N	N	N	N	N
Building Materials and Farm Equipment	N	N	N	N	N	N	N	N	N	N	N	N
Consumer Repair Services	N	N	N	N	N	N	N	N	N	C	C	N
Construction Sales & Services	N	N	N	N	N	N	N	N	N	N	N	N
Convenience Commercial	N	N	N	N	N	N	N	N	P***	P	P	N
Entertainment & Amusement Services	N	N	N	N	N	N	N	N	N	P	P	N
Financial, Consultive, & Administrative	N	N	N	N	N	N	N	N	N	P	P	N
Food & Beverage Services	N	N	N	N	N	N	N	N	N	P	P	N
Food Service Drive-in & Drive-thru	N	N	N	N	N	N	N	N	N	P	P	N
General Business & Communication Service	N	N	N	N	N	N	N	N	N	P	P	N
General Personal Services	N	N	N	N	N	N	N	N	N	P	P	N
General Retail Trade	N	N	N	N	N	N	N	N	N	P	P	N
Group Assembly	N	N	N	N	N	N	N	N	N	P	P	N
Medical Services	N	N	N	N	N	N	N	N	N	P	P	N
Scrap Operations	N	N	N	N	N	N	N	N	N	N	N	N
Transient Habitation: Hotel	N	N	N	N	N	N	N	N	N	P	P	N
Transient Habitation: Motel	N	N	N	N	N	N	N	N	N	N	N	N
Transient Habitation: Extended Stay Hotel/Motel	N	N	N	N	N	N	N	N	N	P	P	N
Transient Habitation: Short Term Rental Property	N	N	N	N	N	N	N	N	N	P	P	N
Transient Habitation: SRO	N	N	N	N	N	N	N	N	N	N	N	N
Transport & Warehousing	N	N	N	N	N	N	N	N	N	N	N	N
Undertaking Services	N	N	N	N	N	N	N	N	N	N	N	N
Vehicular, Craft & Related Equipment Sales	N	N	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	N	N	N	N
Tourist Oriented Limited Manufacturing*****	N	N	N	N	N	N	N	N	N	C	C	N
MANUFACTURING ACTIVITIES												
Limited	N	N	N	N	N	N	N	N	N	N	N	N
Intermediate	N	N	N	N	N	N	N	N	N	N	N	N
High Technology Manufacturing, Assembly, Processing	N	N	N	N	N	N	N	N	N	N	N	N
Extensive	N	N	N	N	N	N	N	N	N	N	N	N
AGRICULTURAL, RESOURCE PRODUCTION & EXTRACTIVE ACTIVITIES												
Agricultural Services	N	N	N	N	N	N	N	N	N	N	N	N
Crop & Animal Raising	P	C	N	N	N	N	N	N	N	N	N	N
Mining & Quarrying	N	N	N	N	N	N	N	N	N	N	N	N
Plant & Forest Nurseries	P	C	N	N	N	N	N	N	N	N	N	N
Confined Animal Feeding Operations	N	N	N	N	N	N	N	N	N	N	N	N



Department of Planning and Codes/Building Safety

February 22, 2024

EQUITABLE TRUST CO TR OF
QUALIA 17 IRR TRUST
4400 HARDING RD #310
NASHVILLE TN 37205

RE: Short Term Rental Violation-1357 Madison Creek Road–Sumner County Tax Map/Parcel#
140 02205 000- 21.9 acres

The City of Goodlettsville has become aware of a short-term rental property use operating at the above referenced property which is zoned R40, Low Density Residential. The property was included on an Airbnb website search on 2-22-2024. The City of Goodlettsville Zoning Ordinance Section 14-201 (3)(jjj)(kkkk) defines short term rental property as a transient use and per Zoning Ordinance Sections 14-206 (5)(e)(iv) and Appendix A, Table 1 Land Use Activity Matrix the short term rental property use is limited to seven (7) commercial and mixed use zoning districts. A transient use includes rental occupancies for less than a continuous thirty (30) day period. The operation of a short-term rental property use at the above referenced property that is zoned R40, Low Density Residential is a violation of the City's Zoning Ordinance. The City requests the short-term rental use occupancy to stop within thirty (30) days of the receipt of this letter. Failure to comply will require the issuance of a City court citation which may result in fines of fifty (\$ 50) dollars per violation.

All zoning ordinance administration orders may be appealed to the City of Goodlettsville Board of Zoning and Signs Appeals. The appeal must be filed within thirty (30) days of the receipt of this letter. Contact the Planning and Development Services Department at (615) 851-3741 regarding the appeal process.

The City of Goodlettsville Municipal Code and Zoning Ordinance is available on-line at www.goodlettsville.gov. Zoning Map and Zoning Ordinance information per 12-27-2023.

Sincerely,


Addam McCormick
City of Goodlettsville Planning and Community Development Department

Referenced Goodlettsville Zoning Ordinance Referenced Sections (*Effective 2-22-2024*)

14-201 (3)(jjj)(kkkk)

(jjj) "Short Term Rental Property (STRP)" is defined as a residential dwelling unit, containing not more than five (5) sleeping rooms, that are used and/or advertised for transient occupancy.

(kkkk) "Transient" any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days.

14-206 (5)(e)(iv)

(iv) Short term rental property (STRP) shall have no more than five (5) (sleeping rooms) and shall only be permitted within the following zoning classifications: Commercial Services Limited (CSL), Commercial Core Overlay (CCO), Commercial Services (CS), Commercial General (CG) and Core Commercial (CC).



Entire home in Goodlettsville, Tennessee

8 guests · 4 bedrooms · 4 beds · 4.5 baths

★ 4.87 · 23 reviews



Hosted by Kimberly Catlin

Superhost · 4 years hosting



Dedicated workspace

A common area with wifi that's well-suited for working.



Kimberly Catlin is a Superhost

\$218 night

CHECK-IN 2/22/2024	CHECKOUT 2/27/2024
GUESTS 1 guest	

Reserve

You won't be charged yet

\$218 x 5 nights

\$1,090

ORDINANCE NO. 18-928

AN ORDINANCE AMENDING THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 14, CHAPTER 2 SECTION 201 BY ADDING A NEW SUBSECTION 3 (jjjj) AND BY AMENDING TITLE 14 CHAPTER 2, SECTION 206 BY CREATING A NEW SUBSECTION 6 (e)(iv).

WHEREAS, it has been determined that certain amendments are needed as it relates to the City of Goodlettsville Municipal Code as it relates to Title 14, Chapter 2.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, THAT TITLE 14, CHAPTER 2, SECTION 201, SUBSECTION 3 IS AMENDED BY ADDING NEW SUBSECTION 3 (jjjj) AND THAT TITLE 14, CHAPTER 2, SECTION 206, SUBSECTION 5 (e) OF THE GOODLETTSVILLE MUNICIPAL CODE IS AMENDED BY ADDING NEW SUBSECTION 5 (e)(iv) AS FOLLOWS:

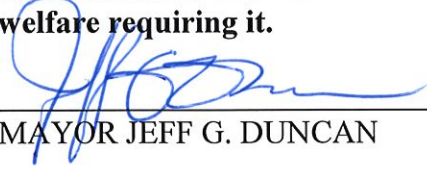
14-201 -3(jjjj)

Short Term Rental Property (STRP) is defined as a residential dwelling unit, containing not more than five sleeping rooms, that are used and / or advertised for transient occupancy.

14-206-5(e)(iv)

Short Term Rental Property (STRP) shall have shall have no more than five (sleeping Rooms) and shall only be permitted within the following zoning classifications: Commercial Services Limited (CSL), Commercial Core Overlay (CCO), Commercial Services (CS), Commercial General (CG) and Core Commercial (CC).

This ordinance shall take effect fifteen (15) days from and after its final passage, the public welfare requiring it.


MAYOR JEFF G. DUNCAN

Passed: December 13, 2018


CITY RECORDER

Passed: January 10, 2019

APPROVED AS TO LEGALITY AND FORM:


CITY ATTORNEY

ORDINANCE 19-954

AN ORDINANCE TO AMEND THE CITY OF GOODLETTSVILLE MUNICIPAL CODE TITLE 14, CHAPTER 2, SECTION 201 SUBSECTION (3)(i), 3(zzzz), SECTION 202 SUBSECTION (6)(s) AND SECTION 213, SUBSECTION (9) (H) BY DELETING SECTION 201 SUBSECTION (3) (i) AND (3) (zzzz), SECTION 202 SUBSECTION (6) (s) AND SECTION 213, SUBSECTION (9) (H) IN THEIR ENTIRETY AND REPLACING THEM WITH A NEW SECTION 201 SUBSECTION (3) (i), (3) (zzzz), SECTION 202 SUBSECTION (6) (s) AND SECTION 213, SUBSECTION (9)(H).

WHEREAS, the City's Zoning Ordinance intent and purpose includes but is not limited to protecting the character and maintaining the stability of residential areas within the city, and to promote the orderly and beneficial development of such area: and,

WHEREAS, the City's Zoning Ordinance intent and purpose includes prohibiting uses, building or structures which are incompatible with the character of development or the permitted uses within specified zoning districts; and,

WHEREAS, the Goodlettsville Board of Zoning and Sign Appeals received multiple conditional use applications for bed and breakfast homestay uses that while met the City's limited requirements defined decades ago do not meet the traditional idea of a bed and breakfast homestay and the current requirements do not define a difference between a bed and breakfast homestay uses and the recently popular short term rentals units. The Board of Zoning and Sign Appeals requested amendments to define the City's intention and limit application of the bed and breakfast homestay conditional use: and,

WHEREAS, The Goodlettsville City Commission on June 27, 2019 approved Ordinance 19-940 defining a one hundred and eighty (180) day moratorium on new bed and breakfast homestay applications; and,

WHEREAS, The State of Tennessee Short Term Rental Act of 2018 includes provisions regarding city ordinances developed for the regulation short term rental units defined as transient uses and includes an exemption to bed and breakfast homestay uses: and,

WHEREAS, The Goodlettsville Planning Commission at the September 9, 2019 regularly scheduled meeting reviewed and discussed these proposed amendments and voted to recommend its passage to the Board of Commissioners.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GOODLETTSVILLE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Ordinance No. 06-674 adopted on second and final reading on June 22, 2006, being the municipal zoning ordinance of Goodlettsville, Tennessee, be and the same is hereby amended by deleting and replacing the following sections in their entirety 14-201 (3)(i), 14-201 (3)(zzzz), 14-202 (6)(s), and 14-213 (9)(h)(ii) as listed in "EXHIBIT A".

SECTION 2. That the Commissioners of the City of Goodlettsville, Tennessee, hereby certify that this Ordinance has been submitted to the Planning Commission of the City of Goodlettsville for a recommendation, and a notice of hearing thereon has been ordered after at least fifteen (15) days notice of the time and place of said meeting has been published in a newspaper circulated in the City of Goodlettsville, Tennessee. This Ordinance shall take effect fifteen (15) days

from the date of its final passage, the public welfare demanding it.

SECTION 3. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 4. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the City of Goodlettsville, the most restrictive shall in all cases apply.



MAYOR JEFF G. DUNCAN



CITY RECORDER

APPROVED AS TO LEGALITY AND FORM:



CITY ATTORNEY

Passed First Reading: September 12, 2019

Passed Second Reading: October 10, 2019

ORDINANCE 19-954

"EXHIBIT A"

Referenced Zoning Ordinance Sections: (Draft Amendments)

Amendment#1

14-201. Provisions relating to construction of language and definitions. (3) Definitions (i)

~~(i) "Bed and breakfast homestay." An owner-occupied building or portion thereof offering transient lodging accommodations and breakfast to guests where rent is paid in money. Such building shall be considered as a one-family detached dwelling or an extension of the one-family dwelling with detached accessory guest buildings under the provisions of Item (I) for purposes of use classification and shall be permitted only through a conditional use permit issued by the board of appeals.~~

- (i) "Bed and breakfast homestay," Based on the definition of Tennessee Code Annotated Section 68-14-502 (1)(B) is a building, private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the owner resides on the premises or property. Guest rooms shall be established and maintained distinct and separate from the owner's quarters. Such building shall be considered as a one-family detached dwelling or an extension of the one-family dwelling with detached accessory guest buildings under the provisions of Item (I) for purposes of use classification and shall be permitted only through a conditional use permit issued by the board of appeals.

Amendment#2

14-201. Provisions relating to construction of language and definitions. (3) Definitions (zzzz)

(zzzz) Transient any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings or accommodations for a period of less than thirty (30) continuous days

Amendment#3

14-202. Use classification. (6) Commercial actives (s) Transient habitation

(s) Transient habitation includes the provision of lodging services for transient guests. The term shall include **five (5)** different types of activities as defined in § 14-201(3).

(i) Hotel

- (ii) Motel
- (iii) Extended stay hotel/motel
- (iv) Single room occupancy residential facility (SRO)

(v) Short term rental property (STRP)

(Bed and Breakfast Homestay is considered an accessory use to a permanent residential use and approved only by conditional use in the defined residential zoning district)

Amendment#4

14-213. Administration and Enforcement. (9) Conditional Use Permits. (H) Specific Standards for Residential Activities. (ii)

(ii) Bed and breakfast homestay.

(A) A property proposed for a bed and breakfast homestay shall include public street frontage and shall either contain a minimum of five (5) acres or shall be located on property that contains a structure of historical significance. A historical significant structure is listed on the National Register of Historic Places, or is determined by the state historical commission to be eligible to be placed on the National Register of Historic Places, or is a structure that is within an area designated by the local governing body as a historical or conservation district;

(B) The owner of the property must reside permanently in the home. If there is more than one (1) owner, the owner with the largest share of the ownership shall reside permanently in the home. If two (2) or more owners own equal shares, at least one (1) of the owners shall reside permanently in the home.

(C) A maximum of one (1) off-street parking space shall be provided for each guest room. The design of the parking spaces and their number and location shall also take into account the owner's parking spaces. Fencing, screening and landscaping shall be required to buffer and protect adjoining properties. Large expanses of paved area shall be avoided. No more than two (2) such spaces shall be located in the front yard.

(D) A maximum of ~~four~~ three ~~(4)~~ (3) guest rooms shall be available for rent, and such rooms shall not occupy more than fifty percent (50%) of the total habitable floor area. A guest register shall be maintained and made available to the codes administrator or other enforcing officer.

(E) Meal service shall be limited to breakfast and

shall be restricted to overnight guests only. No cooking facilities shall be available in any guest room. Application shall be in compliance with County Health Department requirements and applicable inspections.

(F) No exterior structural or architectural alterations or expansions exceeding twenty (20) percent of the building square footage including those necessary to ensure the safety of the building, shall be made to the building for the purpose of providing a bed and breakfast homestay.

(G) The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days.

(H) The building shall comply with the ~~International Residential Code~~ City's adopted building and residential code standards and shall be inspected prior to occupancy by the codes administrator and the fire chief or other enforcement officials. In the event the home is a registered historic building the board may consider the varying the strict application of the code requirements as long as the safety of the guests is not compromised.

(I) One (1) incidental sign may be permitted in accordance with the Goodlettsville Sign Ordinance.

(J) Detached accessory guest building alternative bed and breakfast homestay use to meet the provisions of (ii) Bed and breakfast homestay items (A) through (H) (I) but the application may also be reviewed through the Conditional Use process defined by the Zoning Ordinance including the following additional sections:

-Detached accessory building quest buildings shall only be permitted for properties five (5) acres or larger; and,

-Existing accessory residential dwellings unit buildings constructed prior to the effective date of this section (I) may be reviewed in current condition; and,

-Detached accessory building quest buildings shall only be permitted on the property of the primary single family dwelling unit; and,

-The total number ~~of four~~ three quest units (4) (3) shall apply to the entire property and guest accessory buildings shall not contain any kitchen or cooking facilities; and,

-The accessory quest buildings units shall be constructed per the requirements of the Zoning Ordinance accessory building requirements regarding location, maximum floor area ratio and lot coverage, maximum building height; and,

-The accessory quest buildings units shall be constructed to be consistent with the wall and roof materials of the primary single family dwelling unit; and

-The accessory quest buildings units shall be constructed to meet the minimum side and rear setbacks of the residential zoning district; and,

*-The accessory buildings shall be permanent buildings meeting the requirements of the ~~International Residential Building Code~~ **City's adopted building and residential code standards** and shall not include any portable structures; and,*

-The accessory quest buildings shall be connected to the primary single family. ~~residence building where a meal is provided to overnight quests only.~~ The connection shall be either a vehicular or pedestrian connections and the accessory quest buildings shall be accessible for emergency services. A scaled site plan shall be submitted to the Board of Zoning and Sign Appeals as part of the Conditional Use application process to ensure the compliance with this item; and,