

First Reading: August 22, 2023
Second Reading: August 29, 2023

ORDINANCE NO. 14022

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SECTIONS 38-
2, 38-36, 38-432, 38-436, AND 38-568, RELATIVE TO SHORT-
TERM VACATION RENTAL CERTIFICATES.

WHEREAS, on May 9, 2023, the Chattanooga City Council adopted Ordinance Number 13981 to amend Chapter 38, the City of Chattanooga Zoning Regulation to add Division Uses Requiring Short Term Vacation Rental Certificates; and,

WHEREAS, upon reviewing other Divisions and Articles of Chapter 38, such as Article II. Definitions, Article IV. General Regulations requiring amendment to remove conflicts and inconsistencies with these Articles with the newly requirements adopted in Division 27; and,

WHEREAS, Division 27 is also amended by this ordinance to include text that clarifies that Absentee short-term vacation rentals are only permitted when a hotel or motel is a permitted use; and,

WHEREAS, this amendment also amends Division 27 to include text that clarifies that just like a rezoning of property, the lifting and amending of conditions will trigger the requirement that the owner or applicant may not apply for an absentee short term vacation rental certificate within eighteen (18) months of the effective date of the lifting or amending of condition(s).

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended as follows:

Amend Article Sec. 38-431. Intent by removing the “C-5” zone as a permitted zone for Absentee Short-term Vacation Rentals.

Amend Article II. Definitions, Section 38-2 Definitions; Use of Words and Terms, by deleting the following:

Short-Term Vacation Rental: Any house or other structure containing no more than nine (9) bedrooms within permissible zones which is used, advertised, or held out to the public in part or its entirety to be a place where sleeping accommodations are supplied for pay and such accommodations are provided on a daily or weekly basis for not more than thirty (30) days for overnight stay. For the purposed of this definition, any short-term vacation rental on a site located in either the R-1 or R-2 Residential Zones, shall contain no more than five (5) bedrooms, and shall exclude hotels, rooming houses, bed and breakfast, and boarding housing, or other licensed dwelling units for rent or lease, as defined in Section 21-67 and/or Section 11-186 and/or Section 38-2.

Amend Article II. Definitions, Section 38-2 Definitions; Use of Words and Terms, by adding the following:

Short-Term Vacation Rental: See Division 27 Uses Requiring Short Term Vacation Rental Certificates, Section 38-432 Definitions.

Amend Article IV. General Regulations by deleting in its entirety Section 38-36 Short Term Vacation Rentals as follows:

Sec. 38-36 Short Term Vacation Rentals

Unless expressly prohibited in the Zoning Regulations provided in this Chapter, short-term vacation rentals shall be permitted in any zones allowing residential use.

Amend V. Zone Regulations, Division 27 Uses Requiring Short Term Vacation Rental Certificates, Section 38-432. Definitions by deleting in its entirety and replacing with the following:

Short-term vacation rental: Any or other structure containing no more than five (5) bedrooms within permissible zones which is used, advertised, or held out to the public in part or its entirety to be a place where sleeping accommodations are supplied for pay and such accommodations are provided on a daily or weekly basis for not more than thirty (30) days for overnight stay. For the purposes of this definition, any short-term vacation rental on a site located in either the R-1 or R-2 Residential Zones, shall contain no more than five (5) bedrooms, and shall exclude hotels, rooming houses, bed and breakfast, and boarding houses, or other licensed multi-family dwelling units for rent or lease, as defined in Section 21-67 and/or Section 11-186 and/or Section 38-2. No multi-family dwelling units shall exceed a maximum of 25% of the total units in a given building or structure.

Amend V. Zone Regulations, Division 27 Uses Requiring Short Term Vacation Rental Certificates, Section 38-433. Location and Number by adding a new section (d):

(d) An Absentee short-term vacation rental shall only be allowed 1) throughout the City in the following commercial zones: C-2, C-3, C-4, UGC, CC, IX, RF, RV, CX-Commercial, and SH zones and 2) if a hotel or motel is an allowed use. If a zoning condition limits the allowable permitted uses of a commercial zone, then an Absentee short-term vacation rental is only allowed if a hotel or motel is an allowable use under the zoning conditions. Building Code must be met as required through the permitting process.

Amend V. Zone Regulations, Division 27 Uses Requiring Short Term Vacation Rental Certificates, Section 38-436 Certificate Application; Action on Certificate Application; Certificate of Approval or Denial; Appeals to the Short Term Vacation Rental Board of Zoning Appeals; (C) Application Review; IV Homestay and Absentee For A Short Term Vacation Rental Certificate (D) by deleting in its entirety and replacing with the following:

(D) If a property owner or applicant requests to be rezoned to any commercial zone that allows absentee short-term vacation rentals, **and if** such request is granted, the owner or applicant may not apply for an absentee short term vacation rental certificate within eighteen (18) months of the effective date of the rezoning. The owner or applicant may not apply for absentee short term vacation rental certificate within eighteen (18) months of the effective date of the lifting or amending of condition(s).

Amend Article VIII. Board of Appeals for Variances and Special Permits, Section 38-568. Powers, etc. of Board; Hearings, (24) For Special Exceptions as Specified in Article XVI. Downtown Form Based Code in Zones as Listed in the Following Table delete the following:

Short Term Vacation Rental: D-RA, D-RM, R-RF, R-RV, U-RD, U-RA, U-RM, E-RD, E-RA, AND E-RM

SECTION 2. That Chattanooga City Code, Part II, amending Section 38-706, Allowed Uses; Section 38-712 Allowed Uses; Section 38-725, Allowed Uses; Section 38-736, Allowed Uses; and Section 38-763, Allowed Uses, in the use table be deleted and replacing the Definitions/Standards reference for Short Term Vacation Rentals from "Chapter 11, Article XX" to "Chapter 38, Division 27."

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: August 29, 2023



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem/Alternate Version #3