

## **ORDINANCE - 2022-36**

**AN ORDINANCE AMENDING PART B OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MT. JULIET, TENNESSEE, KNOWN AS THE ZONING REGULATIONS (ORDINANCE 2001-29), ADOPTED OCTOBER 8, 2001, AS AMENDED, BY MODIFYING ARTICLE 5, RESIDENTIAL DISTRICT REGULATIONS, SECTION 5-101.3, SHORT TERM RENTALS.**

**WHEREAS**, The City of Mt. Juliet desires to amend the Zoning regulations, Article 5, Section 5-101.3; and

**WHEREAS**, the Planning Commission considered this request during their meeting of July 21, 2022, and recommended approval of the zoning amendment; and

**WHEREAS**, the Board of Commissioners desires to amend Article 5, Residential District Regulations, Section 5-101.3, Short Term Rentals to include the language below.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee, while in regular session on September 12, 2022 as follows:

**5-101.3 Short Term Rentals.** The following provisions clarify the operation of short-term rental units, as defined in Tenn. Code Ann. § 13-7-602(8), within the City of Mt. Juliet.

1. No later than January 1<sup>st</sup>, 2014, the City adopted an ordinance permitting short term rentals in the RM-16 Zoning District.
2. Said ordinance permits, as a semi-transient residential establishment in RM-16 zoning, a short-term rental unit where lodging is providing on a daily/weekly/monthly basis. so long as less than 30% of the living units located on the same lot are being occupied on less than a monthly basis.
3. This ordinance complies with Tenn. Code Ann. §13-7-603 as a prohibition on the use of short-term rental units in the City of Mt. Juliet with the exception found herein for RM-16 zoned lots.
4. Mt. Juliet adopts the following permit procedure:
  - a. A short-term rental unit permit is required prior to the operation of a short term rental unit in the City of Mt. Juliet.
  - b. The application for a short-term rental unit permit shall be on a form approved by the Zoning Administrator, who shall make all decisions regarding the issuance of a permit and the application of the City's RM-16 zoning regulation.
  - c. The owner/occupant/manager, or any other similar entity, must apply for the permit prior to operating a short-term rental unit.
  - d. A short-term rental permit shall not be granted to any property that is not zoned RM-16.
  - e. A permit may be granted to properties operated prior to the effective date of this ordinance, as a short-term rental unit in violation of Mt. Juliet's RM-16 zoning regulation, as referenced in sections 5.101.3(1), (2).

- i. The Zoning Administrator shall determine whether a short-term rental unit operated in violation of the City's RM-16 regulations and whether a permit should be issued for the purposes listed in this subsection (e).
- ii. A permit issued under this subsection (e) may be granted for the purpose of appealing, to the City Zoning Appeals, any alleged error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other City official regarding the permissible operation of a property as a short-term rental unit, as required by Tenn. Code Ann. §13-7-207(1).
  - A A short-term rental unit granted a permit pursuant to this subsection (e) may continue in operation after receiving a permit and filing an appeal with the Board of Zoning Appeals. Such operation must cease after all appellate rights are extinguished.
- iii. Pursuant to Tenn. Code Ann. § 13-7-603(a) and Tenn. Code Ann. § 13-7-602(10), no permit will be issued pursuant to this subsection(e) if taxes were not remitted, as required pursuant to Tenn. Code Ann Title 6, Chapter 5, Part 5, for at least six months within the twelve months preceding the effective date of this ordinance.
- f. Any short-term rental unit that is allowed to operate within the City is subject to all generally applicable rules and regulations. Pursuant to Tenn. Code Ann. § 13-7-604, the City will permanently prohibit the use of a property as a short-term rental unit if the unit, while being utilized as a short-term rental unit, is found in violation of generally applicable local law on three separate occasions.
- g. The use of any property in the City as a short-term rental unit without a short-term rental unit permit is not permitted and is subject to the general penalty and enforcement provisions of this Zoning Code.

**SECTION 2:** If any section, clause, provision, or portion of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this Ordinance.

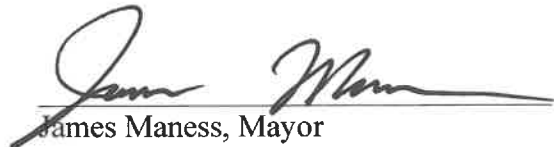
**SECTION 3:** PUBLIC HEARING - The zoning changes were the subject of a public hearing held on September 12, 2022 at 6:15 p.m.

**BE IT FURTHER ORDAINED**

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law


PASSED: 9/12/22

  
James Maness, Mayor

FIRST READING: 8/08/22  
SECOND READING: 9/12/22

ATTEST:

  
Sheila S. Lockett, MMC  
City Recorder

  
Kenny Martin, City Manager

APPROVED AS TO FORM:

  
L. Gino Marchetti, Jr.  
City Attorney



## MEMORANDUM

**Date:** July 21, 2022

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jennifer Hamblen, Planning Director

**Re:** Short Term Rental Clarification/Permitting Process

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**OVERVIEW:** Short Term Rentals, have become increasingly popular and the city is constantly asked about our Short Term Rental Policy. As such, staff felt it best to clarify our current ordinance, update it accordingly and establish permitting processes for this type of use.

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  - c. The owner/occupant/manager, or any other similar entity, must apply for the permit prior to operating a short-term rental unit.
  - d. A short-term rental permit shall not be granted to any property that is not zoned RM-16.
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    - i. The Zoning Administrator shall determine whether a short-term rental unit operated in violation of the City's RM-16 regulations and whether a permit should be issued for the purposes listed in this subsection (e).
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