

## **§ 155.052 USES PERMITTED; MINIMUM LOT AREA, COVERAGE AND WIDTH.**

### **(A) *Permitted use.***

(1) The LR Low Residential District permits the use of a plot of land for 2-family dwelling use only under the following conditions:

(a) An attached duplex dwelling; or

(b) A detached guest house or additional living quarters, not to exceed 1,500 square feet in size and provided that all setbacks are followed, and sufficient parking spaces are available.

(2) All living or guest attached or detached residential spaces, whether for permanent living, guest housing or short or long-term rental must be fully functional, with “fully functional” including facilities such as bathrooms, kitchens, running water, heating, access to refuse and any other utility required to be a self-sufficient living space.

(3) All dwelling units shall be under one single ownership.

(4) No division of the property less than the minimum lot size is allowable.

(B) *Residential.* Residential single-and 2-family dwellings as specified in division (A)(1) above, including modular housing and Class A Manufactured Homes.

(C) *Accessory.* Accessory uses and structures.

(D) *Agricultural.* Agricultural uses including the sale of agricultural products.

(E) *Conditional uses.* The following uses are permitted as conditional uses subject to a review by the Planning Board and approval by the Village Council that all applicable provisions of this chapter have been met:

(1) Bed and breakfast/inn/tourist home for short-term rentals;

(a) Short-term rental conditional use permitted properties must be registered on an annual basis with the Village and the Rutherford County Department of Revenue. The Village Council may set an annual registration fee for continued operations, with usage dependent on said annual registration fee for continued operations;

(b) However, if the bed and breakfast, inn, tourist home, or motel/hotels have more than 5 rooms for lodging, with a room being defined as an enclosed space with a bed and a bathroom, then this section does not apply to those bed and breakfast, inn, tourist home, or motel/hotels;

(c) However, if the bed and breakfast, inn, tourist home, or motel/hotels have more than 5 rooms for lodging, with a room being defined as an enclosed space with a bed and a bathroom, then this section does not apply to those bed and breakfast, inn, tourist home, or motel/hotels;

(2) Boarding house, lodging house, or rooming house for short-term rentals;

(a) Short-term rental conditional use permitted properties must be registered annually, with the Village and the Rutherford County Department of Revenue. The Village Council may set an annual registration fee for continued operations, with usage dependent on said annual registration fee for continued operations;

(b) However, if the bed and breakfast, inn, tourist home, or motel/hotels have more than 5 rooms for lodging, with a room being defined as an enclosed space with a bed and a bathroom, then this section does not apply to those bed and breakfast, inn, tourist home, or motel/hotels;

(3) Use of a dwelling unit, in whole or in parts, for vacation short-term rental purposes;

(4) Class B manufactured homes;

(5) Houses of worship; and

(6) Short-term rental property (see division (E)(2) and (E)(3) named above).

(a) Conditional use permits require review and recommendation to the Village Council by the Village Planning Board for consideration.

(b) A public hearing in accordance with all legal requirements for advertisement as apply is required by the Planning Board prior to making their recommendation to the Village Council, and a public hearing and in accordance with all legal requirements for advertisement as apply is also required by the Village Council prior to making their decision on the issuance of any conditional use permit.

(c) Any conditional use permit issued for a short-term rental property that has been approved and issued less than 36 months (3 years) since last approved, may be administratively reviewed and reissued to a new owner who may continue to operate provided that the follow items remain in effect:

1. There is no change in the building or structural footprint and no significant structural renovations to occur that would affect setbacks or any village ordinances;

2. a. Must provide a letter or documentation showing that water and sewer services (or septic and well) are still operating properly;

b. Septic system may be required to be pumped.

3. Adequate parking is provided based on the number of potential guests;

a. The Village requires there be at least one parking space on- site per 2 bedrooms unless rooms are rented separately. When bedrooms are rented separately, there must be at least one parking space on site per bedroom.

b. The property owner may make arrangements for off-site parking, but these contracts must be in writing, naming the owner of the property, the location of the property and the number of spaces allocated for the short-term rental property's use. The arrangement agreement(s) must accompany the short-term rental conditional use

permit and remain in effect throughout the use of the property as a Conditional Use for Short-term Rental. The Contract must have the following language:

*The Landlord and Tenant intend this contract to apply to off- site parking as provided in § [155.052](#) of the Chimney Rock Village ordinances. The life of this agreement shall be until the Owner needs to file a new permit for their short-term rental Conditional Unit in one year or less with Chimney Rock Village.*

c. Upon the termination of any parking agreement for off-site parking, the Short-term rental has 60 days to secure additional parking to meet minimum parking requirements or the short-term rental Conditional Use Permit terminates.

4. The Village limits overnight guest occupancy to no more than 2 adults per bedroom.

a. Children under 12 years of age are exempt from the adults per bedroom limits.

b. There can be no more than twice the number of overnight guests allowed per bedroom to attend special events held at a short-term rental. (Example: 2 bedrooms = 4-over-night guests x 2 = maximum number of event attendees, inclusive of the overnight guest would be 8.)

c. Children under 12 years of age are exempt from the maximum count of attendees for special events at a short-term rental.

5. The Village limits the total number of bedrooms allowed in a short- term residential single-family to 5 bedrooms or duplex to 6 bedrooms or if on septic, to the maximum number of bedrooms allowed per current or most recently issued County septic permit.

6. There are no documented adverse issues involving the property as a rental, nor any significant issues affecting the structural integrity and safety of the property.

7. The Zoning Administrator, Planning Board or Village Council may ask for additional information from time to time as it may affect their ability to make their decisions regarding the issuance of any short-term rental permit.

(d) Any property being used as a short-term rental that changes ownership after 3 years (36 months) from the most recent issuance of a conditional use permit for short-term rentals by the Chimney Rock Village Council will be required to reapply for a conditional use permit at time of ownership transfer.

1. The new owner may continue to operate the short-term rental for up to 90 days after taking ownership of property to reapply and secure an approved and newly issued conditional use permit for short-term rental operations at that property.

2. Should the new owner(s) not secure a conditional use permit for short-term rental within this time period, all such operations must immediately cease and cannot be resumed until such application has been completed and reviewed by the Village Zoning Administrator and the Planning Board and approved by the Village Council.

3. Penalties for non-compliance or short-term rentals operating without a conditional use permit:

a. First time offender will be issued a warning and have 30 days to apply for a permit and submit all required documentation for consideration to operate a short-term rental as a conditional use.

b. If a short-term rental continues operations for more than 30 days, without making application or securing approval from the Village Council to operate a short-term rental by conditional use permit, they will be fined \$1,000.00 or (4 times the conditional use permit for short-term rental) whichever is greater per month until application is prepared and submitted for the Village Planning Board review and recommendation(s) and then to the Village Council for final consideration.

c. The Village will follow the prescribed process for review, including public hearings and consideration of the application within 90 days of receipt of application for a conditional use permit- short-term rental. An existing short-term rental may continue operations during the process, but should the application be denied, the short-term rental must discontinue operations within 90 days of notice of the denial of the application.

d. During the review process, the short-term rental may not accept any new guest reservations.

e. A new application from the same owner for the same property may not be resubmitted for 180 days after denial. The new application must offer new evidence or a change in the property that would address any prior reasons for the prior application denial. Upon the receipt of a new application, with new information or evidence, the Village will follow the regular procedure for review and consideration.

f. Should any property continue the use as a short-term rental without a conditional use permit for short-term rentals after being given notice of the violation, the Village can take such legal action as required to end the use as a short-term rental. Such fines, court and legal cost and any associated expenses incurred by the Village to enforce such conditional use permits for short-term rentals will be pursued against the property owner or will be applied as a lien on the property as part of the legal action.