

**ORDINANCE NO. 02109-59**

**AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, AMENDING ARTICLE 2, LANGUAGE AND DEFINITIONS, ARTICLE 3, USE CLASSIFICATIONS, ARTICLE 6, PROVISIONS FOR RESIDENTIAL DISTRICTS, ARTICLE 7, PROVISIONS FOR MIXED USE DISTRICTS, ARTICLE 8, PROVISIONS FOR COMMERCIAL DISTRICTS, ARTICLE 11, OFF-STREET PARKING AND LOADING REGULATIONS, ARTICLE 12, SUPPLEMENTARY DISTRICT REGULATIONS AND DESIGNATING SECTION 12.02 SHORT-TERM RENTAL UNITS, AND ARTICLE 15, ADMINISTRATION AND ENFORCEMENT OF THE GALLATIN ZONING ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE (ZONE 2021-0047)**

**WHEREAS**, The Tennessee General Assembly passed Public Chapter 972, Acts of 2018 which became effective on May 17, 2018 and codified under Title 13, Chapter 7, Sections 601-608, Tennessee Code Annotated, and established a process for regulating “short-term rental units;” and

**WHEREAS**, the City of Gallatin desires to ensure that the use and enjoyment of residential and commercial properties by residents is not adversely affected by activities occurring on adjacent or nearby properties; and

**WHEREAS**, the City prohibits buildings or structures which are incompatible with the character of development or the permitted uses within specific zoning districts; and

**WHEREAS**, the City intends to protect the character and maintain the stability of residential, business and commercial areas within the city and to promote the orderly and beneficial development of such areas; and

**WHEREAS**, the desire for property owners to use certain properties for income generating activities is important to the enjoyment and use of their properties; and

**WHEREAS**, the city’s growth and market demands have created markets for using commercial and residential properties for income producing purposes; and

**WHEREAS**, the city continues to apply regulations that limit congestion in public streets and protect the public health, safety, convenience and general welfare by providing for off-street parking of motor vehicles; and

**WHEREAS**, the use of property authorized under the act of the General Assembly often times results in the disruption of the enjoyment and serene use of certain properties and it is necessary to impose certain restrictions on the use of properties in the city used for short-term rentals to protect the health, safety and welfare of residents and visitors; and

**WHEREAS**, the Gallatin Municipal Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval in GMPC Resolution No. 2021-106; and

**WHEREAS**, notice and public hearing before the Gallatin City Council has or will occur before final passage pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance and Tenn. Code Ann. § 13-7-203; and

**WHEREAS**, the Mayor and Council deem it necessary to amend the zoning ordinance for the purposes of promoting the health, safety, morals, and general welfare of the City,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE** as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal Planning Commission and hereby approves amending the Gallatin Zoning Ordinance to establish standards for the use of “short-term rental units,” as described in Exhibit ‘A;’ and
2. Based upon the recommendation of approval by the Gallatin Municipal Planning Commission and after public notice and public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance and Tennessee Code Ann. § 13-7-203, the “short-term rental unit” requirements are hereby established as described in Exhibit ‘A;’ and
3. The Gallatin City Council does hereby approve, authorize and direct the revision of the Gallatin Zoning Ordinance in accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, which shall, upon the effective date of this ordinance, be amended to reflect the amended text; and
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; and
5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

**BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,** that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: September 21, 2021.

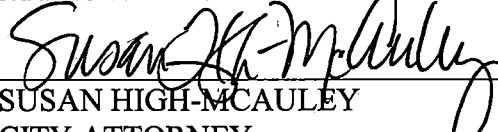
PASSED SECOND READING: November 2, 2021.

  
MAYOR PAIGE BROWN

ATTEST:

  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

  
SUSAN HIGH-MCAULEY  
CITY ATTORNEY

# Exhibit 'A'

## ARTICLE 2.00 LANGUAGE AND DEFINITIONS

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### 2.02. Definitions

\* \* \* \* \*

*Short-term rental units* – A short-term rental unit(s) is a residential dwelling unit that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in Tenn. Code Ann. § 68-4-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in Tenn. Code Ann. § 68-14-502 and generally as described in § 13-7-602 *et.seq.* short-term rental units includes such terms as AirBnB, Vacation Rental By Owner (VRBO) and/or any individual or company involved in the rental of residential dwelling units, or certain types of units in commercial districts, for transient occupancy by guests excluding Bed and Breakfast Inns and Bed and Breakfast Homestays.

\* \* \* \* \*

## ARTICLE 3.00 USE CLASSIFICATION

\* \* \* \* \*

### 03.02 Listing of Activity Classification

\* \* \* \* \*

#### 03.02.010 Residential Activities

\* \* \* \* \*

##### J. Short-Term Rental Unit(s)

\* \* \* \* \*

#### 03.02.030 Commercial Activities

\* \* \* \* \*

##### U. Transient Habitation including short-term Rental units(s)

\* \* \* \* \*

### 03.05 Residential Activities: Class and Types

\* \* \* \* \*

Section 03.05.090 Activity Type – Short-Term Rental Unit(s): A residential dwelling unit registered and licensed by the city and complying with Tenn. Code Ann. § 13-7-601-606.

\* \* \* \* \*

**03.06 Commercial Activities: Class and Types**

\* \* \* \* \*

Section 03.07.210 Activity Type – Transient Habitation Commercial Activities: Includes the provision of lodging to transient guests, having at least 70 percent of its accommodations available on a less-than-weekly basis and includes hotels, motels, short-term rental unit(s) and Bed and Breakfast Inns.

\* \* \* \* \*

**ARTICLE 06.00**

**RESIDENTIAL DISTRICT REGULATIONS**

\* \* \* \* \*

**06.02 Purposes and Intent of the A – Agricultural Residential Districts**

\* \* \* \* \*

**06.02.010 Permitted Uses and Structures**

\* \* \* \* \*

- Residential Activities
  - Dwelling One-Family Detached/Single Family Residence
  - Community Residential Home
  - Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**06.03 R40 Low Density Residential Districts**

\* \* \* \* \*

**06.03.020 Permitted Uses and Structures**

\* \* \* \* \*

- Residential Activities

Dwelling One-Family Detached/Single Family Residence  
 Community Residential Home  
 Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**06.04 R20 Low Density Residential Districts**

\* \* \* \* \*

06.04.020 Permitted Uses and Structures

\* \* \* \* \*

Residential Activities

Dwelling One-Family Detached/Single Family Residence  
 Community Residential Home  
 Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**06.05 R15 Medium Density Residential Districts**

\* \* \* \* \*

06.05.020 Permitted Uses and Structures

\* \* \* \* \*

Residential Activities

Dwelling One-Family Detached/Single Family Residence  
 Community Residential Home  
 Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**06.06 R10 Medium Density Residential Districts**

\* \* \* \* \*

06.06.020 Permitted Uses and Structures

\* \* \* \* \*

Residential Activities

Dwelling One-Family Detached/Single Family Residence  
 Community Residential Home  
 Short-term rental unit meeting the requirements of Section 12.02

**06.07 R8 Medium Density Residential Districts**

\* \* \* \* \*

**06.07.020 Permitted Uses and Structures**

\* \* \* \* \*

**Residential Activities**

Dwelling One-Family Detached/Single Family Residence

Dwelling Attached

Community Residential Home

Short-term rental unit meeting the requirements of Section 12.02

**06.08 R6 High Density Residential Districts**

\* \* \* \* \*

**06.06.020 Permitted Uses and Structures**

\* \* \* \* \*

**Residential Activities**

Dwelling Multi-Family

Dwelling One-Family Detached/Single Family Residence

Dwelling Two-Family Detached -Duplex

Dwelling Attached

Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**ARTICLE 07.00**

**PROVISIONS FOR MIXED USE DISTRICTS**

\* \* \* \* \*

**07.02 Purpose and Intent of the MRO-Multiple Residential and Office District**

\* \* \* \* \*

**07.02.010 Permitted Use and Structures**

\* \* \* \* \*

**Residential Activities**

Dwelling Attached

Dwelling Multi-Family

Dwelling One-Family Detached/Single Family Residence  
 Dwelling Two-Family Detached -Duplex  
 Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**07.03 Purpose and Intent of the MU-Mixed Use District**

\* \* \* \* \*

**07.03.010 Permitted Use and Structures**

\* \* \* \* \*

**Residential Activities**

Dwelling, Attached  
 Dwelling, Multi-Family  
 Dwelling, One-Family Detached/Single Family Residence  
 Dwelling, Two-Family Detached -Duplex  
 Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**Commercial Activities**

\* \* \* \* \*

**Transient Habitation, including short term Rental unit(s)**

\* \* \* \* \*

**07.04 Purpose and Intent of the Mixed-Use General (MUG) District Approved Prior to July 7, 1998**

\* \* \* \* \*

**07.04.010 Permitted Use and Structures**

\* \* \* \* \*

**Residential Activities**

Dwelling, Attached  
 Dwelling, Multi-Family  
 Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**Commercial Activities**



\* \* \* \* \*  
Transient Habitation, including short term Rental unit(s)

\* \* \* \* \*

**07.05 Purpose and Intent of the Mixed-Use Limited (MUL) District Approved Prior to July 7, 1998**

\* \* \* \* \*

**07.05.010 Permitted Use and Structures**

\* \* \* \* \*

Residential Activities

Dwelling, Attached

Dwelling, Multi-Family

Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

Commercial Activities

\* \* \* \* \*

Transient Habitation, including short term Rental unit(s)

\* \* \* \* \*

**07.07 Purpose and Intent of GO General Office District**

\* \* \* \* \*

**07.07.010 Permitted Use and Structures**

\* \* \* \* \*

C. Conditional Uses: The following conditional uses are subject to review and regulations in accordance with Section 15.06.

Residential Activities

Dwelling, Attached

Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**07.08 Purpose and Intent of OR Office Residential District**

\* \* \* \* \*

07.08.010 Permitted Use and Structures

\* \* \* \* \*

Residential Activities

Dwelling, Attached

Dwelling, One-Family Detached

Short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**ARTICLE 08.00  
PROVISIONS FOR COMMERCIAL DISTRICTS**

\* \* \* \* \*

**08.01 Purpose and Intent of the CC- Core Commercial District**

\* \* \* \* \*

08.01.010 Permitted Use and Structures

\* \* \* \* \*

A. Principal Permitted Uses and Structures – Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities, as described in Section 03.07 are permitted:

Residential Activities

\* \* \* \* \*

Short Term Rental Unit(s) per Article 12, Section 12.02

\* \* \* \* \*

Commercial Activities

Transient Habitation, including short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**08.02 Purpose and Intent of the CS- Commercial Services District**

\* \* \* \* \*

08.02.010 Permitted Use and Structures

\* \* \* \* \*

A. Principal Permitted Uses and Structures – Within the Commercial Services District as shown on the Gallatin Municipal Zoning Maps, the following activities, as described in Section 03.07 are permitted:

\* \* \* \* \*

Commercial Activities

Transient Habitation, including short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**08.03 Purpose and Intent of the CG - Commercial General District**

\* \* \* \* \*

**08.02.010 Permitted Use and Structures**

\* \* \* \* \*

A. Principal Permitted Uses and Structures – Within the Commercial Services District as shown on the Gallatin Municipal Zoning Maps, the following activities, as described in Section 03.07 are permitted:

\* \* \* \* \*

Commercial Activities

Transient Habitation, including short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**08.04 Purpose and Intent of the PGC- Planned General Commercial District**

\* \* \* \* \*

**08.04.020 Permitted Uses and Structures**

\* \* \* \* \*

Commercial Activities

Transient Habitation, including short-term rental unit meeting the requirements of Section 12.02

\* \* \* \* \*

**08.05 Purpose and Intent of the PNC - Planned Neighborhood Commercial District**

\* \* \* \* \*  
 08.05.020 Permitted Uses and Structures

\* \* \* \* \*

B. Conditional Uses: The following activities may be permitted as conditional uses in accordance with Section 15.06.

\* \* \* \* \*

Residential Uses:

Dwelling One-Family Detached  
 Short-Term Rental Unit(s) per Article 12, Section 12.02

\* \* \* \* \*

**ARTICLE 11.00  
 OFF-STREET PARKING AND LOADING REGULATIONS**

\* \* \* \* \*

**TABLE 11-01**

<i>Residential Use Types</i>	<i>Minimum Required Parking</i>	<i>Maximum Required Parking</i>
Short-Term Rental Unit	1 space per 1000 sq. ft. of living space or one space per bedroom whichever is greater	1 space per 500 sq. ft. of living space or 1.25 spaces per bedroom whichever is greater

\* \* \* \* \*

**ARTICLE 12.00  
 SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \* \* \*

**12.02. Short-term Rental Unit(s)**

The following supplemental regulations shall apply to specified districts when short-term rentals unit(s) are permitted or permitted with a conditional use permit.

**12.02.010 Short-term rental units(s) Activity in the City.**

Short-term rentals shall consist of residential or commercial lease space for rental of a unit(s) for less than thirty (30) days as permitted under Tenn. Code Ann. §13-7-601-606. Notwithstanding other provisions of this Ordinance, short-term rentals shall be permitted in certain residential

districts, mixed-use districts and commercial zoning districts, unless restricted by private covenants or deed restrictions.

**A. Established Short Term Rental Units:**

Any short-term rental unit established prior to the adoption of this Ordinance on October 19, 2021 consistent with Tenn. Code Ann. § 13-7-601-606 and continuously operated as such use without the sale or transfer of the property and resumption of the use by other(s) prior to adoption of this ordinance and not having said use revoked for actions, as described in Tenn. Code Ann. § 13-7-604, shall be permitted to continue to operate on the property unless one or more actions described in Tenn. Code Ann. § 13-7-603 or § 13-7-604 results in the suspension or prohibition of the use and operation of such property for use as a short-term rental unit.

**B. Registry of Short-Term Rental Units Required**

Effective upon adoption of this ordinance, any owner or operator of a short-term rental unit(s) shall register with the City the location and address of such rental unit(s) regardless of whether the unit pre-existed the adoption of the ordinance as required by Chapter 8, Article V, Gallatin Code of Ordinances. Registering of a pre-existing short-term rental unit(s) is not a basis for denying one the right to otherwise lawfully operate such use.

**C. Short Term Rental Unit(s) Operation Requirements**

For properties described under subsection A. above, any owner or operator of a short term rental unit(s) shall:

- (1) Apply for a permit with the city and pay a business tax to operate such a unit as a short-term rental unit(s) and be required to renew the permit and pay the business tax yearly as required by Chapter 8, Article V, Gallatin Code of Ordinances.
- (2) Prior to beginning operation, each short-term rental unit(s) first shall be inspected by the fire marshal and re-inspected each year upon renewal of the city business tax.
- (3) Upon sale of the property, the owner/operator shall notify the city of the sale of such property and operation as a short-term rental unit(s) shall terminate.
- (4) A Caretaker or Local contact person, designated by the operator and authorized to make decisions pertaining to the use, shall be available twenty-four (24) hours per day, seven (7) days per week for the purposes of:
  - Physically responding, as necessary, within one (1) hour of notification of an emergency or complaint regarding the condition, operation, or the disruptive conduct of occupants of the short-term rental unit, and
  - Taking remedial action necessary to resolve any complaints.
  - A designated contact person may be the owner, the lessee, or the owner's agent.
- (5) The owner or operator of a short-term rental unit(s) established after adoption of this Ordinance on October 19, 2021 shall provide the following improvements necessary to support the use and restrict the use as follows:
  - a. Permit no more than two residents or guests per bedroom, but shall not exceed twelve (12) persons. Each bedroom shall consist of a minimum of 140 square feet and

contain a separate but attached closet space. The occupancy restrictions shall be posted in a conspicuous place within the short-term rental unit.

b. Provide hard-surfaced or dust free gravel parking spaces at ratios required by Article 11, Table 11-1. No parking shall be permitted on unimproved surfaces.

c. Provide proof of liability insurance to the City for the property being utilized as a short-term rental unit.

d. Short term rentals shall require rental of the units for no less than twenty-four (24) continuous hours.

\* \* \* \* \*

**ARTICLE 15.00  
ADMINISTRATION AND ENFORCEMENT**

\* \* \* \* \*

**15.06 Conditional Use Permits**

\* \* \* \* \*

**15.06.060 Specific Standards for Commercial Activities**

K. Short-Term Rental units shall comply with the use, operation and location requirements of Article 12, Section 12.02.

\* \* \* \* \*

**15.06.080 Specific Standards for Residential Activities**

\* \* \* \* \*

E. Short Term Rental Unit(s) shall comply with the use, operation and location requirements of Article 12, Section 12.02.