



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] Community Forum letter to MPC re: 10-12-17, Meeting Agenda Item #7, 5-C-17-OA (Short-Term Rentals Ordinance)

1 message

larrys55 via Commission <commission@knoxmpc.org>

Tue, Oct 10, 2017 at 2:57 PM

Reply-To: larrys55@aol.com

To: commission@knoxmpc.org

TO: MPC Commissioners
FROM: Larry Silverstein, Secretary-Treasurer of Community Forum
DATE: October 10, 2017
RE: **October 12, 2017, Meeting Agenda Item #7, 5-C-17-OA (STR Ordinance)**

Community Forum is an organization with representatives from many neighborhoods in Knoxville and Knox County.

The MPC staff has recommended that you approve the Proposed Ordinance as drafted on April 25, 2017, with one slight revision proposed by the City. Except for that slight revision, this is the same ordinance you voted to send to City Council without recommendation at your May 11, 2017, meeting.

Community Forum, along with the following 9 neighborhood groups, has approved Resolutions asking that Short-term Rentals be omitted from both R-1 and R-1E residential zoning districts.

Alice Bell/Spring Hill
Forest Heights
Fountain City Town Hall
Kingston Pike-Sequoyah Hills Association
Pond Gap
Tazewell Pike-Beverly Station Neighborhood
Wesley Neighbors Community Association
West Hills Community Association
Westmoreland Hills Homeowners Association.

We respectfully request you amend the proposed Ordinance to remove Short-term Rentals from R-1 and R-1E zoning districts.

The professional MPC staff report states *"...that the language permitting Type (1) (owner occupied) STRs in all residential districts be maintained."* The rationale offered for this recommendation compares R-1 and R-1E with R-1A and EN-1 and EN-2. The staff states that, *"As proposed, this revision (removal of R-1 and R-1E districts) would make distinctions among the City's low density residential districts. The proposed distinctions, and different treatment, cannot be supported by the zoning code language identifying the general description of these districts. All are described as areas for low density residential uses, with the goals of preserving existing neighborhoods and providing opportunities for the development of new low density neighborhoods."*

In response, we find the MPC professional staff rationale to be inadequate and lacking in substance.

Furthermore, the comparison of General Descriptions is incorrect. Unlike R-1 and R-1E, the R-1A General Description states that the district is designed for **"low to medium"** population density". And, unlike R-1 and R-1E, the General Description of EN-1 and EN-2 states *"The district is **not intended** for use on presently undeveloped land that is currently zoned as agriculture (A-1). It should be used in the context of the prevalent existing development pattern."* Clearly, EN-1 and EN-2, is not for the purpose of *"providing opportunities for the development of new low density neighborhoods."*

The "General Description" is, however, but one section that defines each particular zoning district. It is the "Permitted Uses" section, also included in each zoning district, which specifically defines each district and clearly distinguishes among the residential districts.

It is disappointing that the Staff report fails to address "Permitted Uses" in its rationale for its conclusion.

So let us look at "Permitted Uses." Unlike R-1A and EN-1 and EN-2, R-1 and R-1E **do not allow** bed and breakfasts, accessory dwelling units and multi-dwelling structures--the very uses that are most similar to STRs. And, unlike the newer zoning districts, EN-1 and EN-2 and Planned Residential, there are no protective mechanisms such as design standards or design plan review, in R-1 and R-1E zoning districts. The only protection in R-1 and R-1E is the list of "Permitted Uses."

Community Forum's June 26, 2017, letter to City Council outlined thirteen reasons why Short-Term Rentals pose a real threat to the character and integrity of our R-1 and R-1E neighborhoods and therefore, are not appropriate for these zoning districts.

- R-1 and R-1E districts are made up of low density, single-family detached homes.
- R-1 and R-1E districts **do not allow** uses similar to Short-Term Rentals. Unlike other residential zoning districts, **R-1 and R-1E zoning districts do not allow apartments, bed and breakfasts, or rooming and boarding houses.**
- R-1 and R-1E neighborhoods are primarily the older, traditional, single-family detached, suburban development areas of our city. Their location, narrow roads, and development design, have deemed them to be inappropriate zones for uses similar to Short-Term Rentals, such as bed and breakfasts, rooming and boarding houses and apartments. Likewise, R-1 and R-1E are **not** appropriate zoning districts for Short-Term Rentals.
- Short-Term Rentals are a commercial use. Why should this one commercial use be allowed in **all** residential zoning districts, including the residential districts that do not allow similar uses under the existing zoning Ordinance? This Ordinance would set a precedent for allowing other inappropriate uses in R-1 and R-1E zoning districts.
- Like all uses that are incompatible with the character of existing development, Short-Term Rentals will have a significant negative impact on R-1 and R-1E neighborhoods, and more importantly, on the quality of life of the homeowners living in these neighborhoods.
- Short-Term Rentals increase the general activity level in the area.
- Short-Term Rentals increase noise.
- Short-Term Rentals increase both on-street and off-street parking demands.
- The proposed ordinance states that the maximum occupancy, **"...shall not exceed two (2) transients per bedroom plus two (2) additional transients;...the maximum occupancy of the STR shall not exceed 12 persons..."** including all persons. A typical 3-bedroom home could have eight (8) people staying in the home. **Compare that number to the 2.39 average number of persons per household, 2011 to 2015, in Knox County.** (U.S. Census Quick Facts.)
- Short-Term Rentals increase safety issues in neighborhoods.
- The experience with Short-Term Rentals in many cities has been increased noise and nuisance complaints. Some of the complaints are due to large, loud parties, and some are due to increased automobile-related noise and activity.
- The proposed Ordinance does not contain an enforcement plan, and its provisions are generally not enforceable.
- The City has said that they fear the TN State Legislature will remove all meaningful local control of Short-Term Rentals if local governments "prohibit" Short-Term Rentals. We are **not** requesting a prohibition. We are simply requesting that Short-term Rentals not be allowed in two residential zoning districts, R-1 and R-1E, -- districts which do not allow similar uses. There are many residential zoning districts in Knoxville that allow uses similar to Short-Term Rentals, e.g., bed and breakfasts, rooming and boarding houses, apartments, etc. The Community Forum and other neighborhood associations across the State are prepared to contact the State Legislature again next year to work to maintain local control of Short-Term Rentals.

None of these issues were addressed in the MPC Staff report on the issue of whether Short-Term Rentals should not be allowed in R-1 or R-1E districts.

While the City has not chosen to amend the Zoning Ordinance, the inclusion of Short-Term Rentals in every residential zoning district in Knoxville, is definitely a zoning issue. How can the inclusion of a use so unlike other uses allowed in R-1 and R-1E--permitting a single-family home to be rented in its entirety by the day or week, when the owner does not even have to be present on the property, or in the city, or even in the country, not bring about a major and negative change in the character of the R-1 and R-1E zoning districts? Such a conclusion defies logic and is strongly disputed by the residents of R-1 and R-1E neighborhoods who would be impacted by this proposed Ordinance.

Our Zoning Ordinance clearly states what is and what is not permitted in each of our zoning districts. When an owner asks to operate a use in a district that is not specifically listed as a "Permitted Use" or "Use Permitted on Review", the MPC determines whether or not the requested use is similar to the uses that are specifically listed in the district.

So, the appropriate question to ask is: Which currently permitted use in R-1 or R-1E is similar to a Short-Term Rental?

Therefore, we conclude that the extremely limited analysis performed by the MPC in just looking at General Descriptions of zoning districts while ignoring other major issues is flawed. Any legislation to amend the City of Knoxville Code of Ordinance which will result in undermining the long established principles of the existing Zoning Ordinance in such a direct and drastic way, should not be recommended for approval by MPC.

We ask that you amend the proposed Ordinance to remove Short-Term Rentals from the R-1 and R-1E zoning districts.

Sincerely,

Larry Silverstein
Secretary-Treasurer
Community Forum
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Knoxville, TN 37909
Larrys55@aol.com

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This message was directed to commission@knoxmpc.org



Community Forum letter to MPC re STR 10-10-17.docx
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Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] Proposed Short Term Rental Ordinance

1 message

sandy gillespie <sandyg222@hotmail.com>

Wed, Oct 11, 2017 at 2:06 AM

Reply-To: sandyg222@hotmail.com

To: MPC <commission@knoxmpc.org>

Commissioners,

The Kingston Pike-Sequoyah Hills Association voted unanimously to oppose including R-1 and R-1E neighborhoods in the proposed Short Term Rental Ordinance several months ago.

Currently the Zoning Code does not allow uses similar to Short Term Rentals in R-1 and R-1E neighborhoods. I am concerned that the new proposed ordinance is in direct conflict with, and erodes the protection of "Permitted Uses" in R-1 and R-1E neighborhoods.

Thank you for considering our concern.

Sincerely,

Sandy Gillespie

President, Kingston Pike-Sequoyah Hills Association

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This message was directed to commission@knoxmpc.org



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] Short-term rentals in R-1 districts

1 message

Jesse Mayshark <jmayshark@knoxvilletn.gov>

Wed, Oct 11, 2017 at 11:45 AM

Reply-To: jmayshark@knoxvilletn.gov

To: "commission@knoxmpc.org" <commission@knoxmpc.org>

Cc: William Lyons <wlyons@knoxvilletn.gov>, Gerald Green <gerald.green@knoxmpc.org>, Charles Swanson <cswanson@knoxvilletn.gov>, Crista Cuccaro <CCuccaro@knoxvilletn.gov>, Peter Ahrens <pahrens@knoxvilletn.gov>

Commissioners,

As you prepare for your meeting on Thursday, I wanted to provide some context and perspective on the request you have received from some neighborhood groups to recommend a complete ban on short-term rentals for homeowners in R-1 and R-1E districts. The administration has serious concerns about making that kind of blanket prohibition, which would affect the majority of neighborhoods in all sectors of the city. It would effectively leave short-term rentals as a widespread illegal use in most areas of Knoxville, creating both enforcement and public safety challenges.

I have attached a map prepared by MPC staff showing all of the R-1 and R-1E districts in Knoxville. As you can see, they cover the majority of our residential areas. I am also attaching the map that Crista Cuccaro presented in her slide show on Tuesday, showing areas of Airbnb activity in the past year. This activity is already happening citywide, including in many R-1 and R-1E areas.

If you zoom in on the zoning map, you can see that in fact most of our neighborhoods have several different zoning designations, often varying from one street to the next. A prohibition on a use of property by homeowners in R-1 and R-1E would leave many people who may wish to operate a short-term rental in their own home unable to do so, while their neighbors across the street or a few blocks over would be able to. To give one example, I have attached another map showing the location of a property in Sequoyah Hills (outlined in red) that the City sent a notice of violation to after an anonymous complaint that the owner was operating a short-term rental there. As you can see from this map, that property is literally across the street from a large apartment complex that is zoned R-2. It would be hard to make a case that the presence of a guest in the home with the STR is imposing some burden on that block.

You can find these situations in most of our neighborhoods. We have, for another example, heard from a homeowner on Deane Hill Drive who wants to operate a short-term rental in a "mother-in-law apartment" in his house that has been vacated by his mother-in-law. His R-1 property is just two doors down from an O-2 district. Again, it is hard to imagine what negative impact a guest in his 4,500-square-foot house is having. These are the real-world scenarios that we are attempting to give some regulatory coherence to with our ordinance. What's more, these uses are happening literally every day in nearly every neighborhood in Knoxville, with an estimated 8,000 guest stays a year, and we have heard only a handful of complaints – most of which have alleged only zoning violations, not any kind of disruptive behavior.

We understand that there are fears about the impact of short-term rentals, especially from people who are not familiar with the STR model and marketplace. But those fears have not been in any way borne out by several years of actual experience, with thousands of people staying in hundreds of homes across Knoxville. Moreover, the experience of other cities tells us clearly that the more restrictive a short-term rental ordinance is, the harder it is to enforce and the larger the underground economy it fuels.

The nature of the technological platforms, their ease of use, and the growing demand for this form of lodging all ensure that it will continue to happen in Knoxville, whether or not we provide a framework for it. With our proposed ordinance, we have deliberately and carefully worked to balance the many competing interests we have heard from on the issue,

protecting the integrity of our neighborhoods and our housing supply while also respecting the rights of property owners and recognizing the reality of the world in 2017. Like most compromises, the proposed ordinance does not make anyone completely happy, but it does give us a pragmatic and enforceable framework.

It is also a framework that will provide a great deal more information and protection to our neighborhoods than currently exists. By requiring permits, we will create a publicly available list of all STR properties, including contact information for owners and designated agents. That means people will no longer have to guess or wonder if their neighbors are operating an STR, as is currently the case and will remain the case if they are broadly banned. By not allowing Type 2 (non-owner-occupied) STRs in residential areas, we will protect against the kinds of problems we have seen in cities where that is a prevailing model, which can include both the “party house” phenomenon and a loss of properties from the long-term rental market.

The staff report you have makes clear there is not a legal basis in the zoning code for discriminating between or against residential districts on this issue. The desire from some groups to maintain a total ban on STRs in most areas of the city is therefore really a matter of local policy and politics, not land use. The administration does not believe it is a wise course, from a policy standpoint – nor a practical one, from an enforcement standpoint. But in any case, it is the kind of political question that is best addressed by our local legislative body.

We would be happy to answer any questions you may have. As you can tell, this is a complex subject that we have spent many months studying and wrestling with, and there are strong feelings on all sides of it.

Thank you for your time and dedication.

Jesse

Jesse Fox Mayshark

Sr. Director of Communications and Government Relations

City of Knoxville

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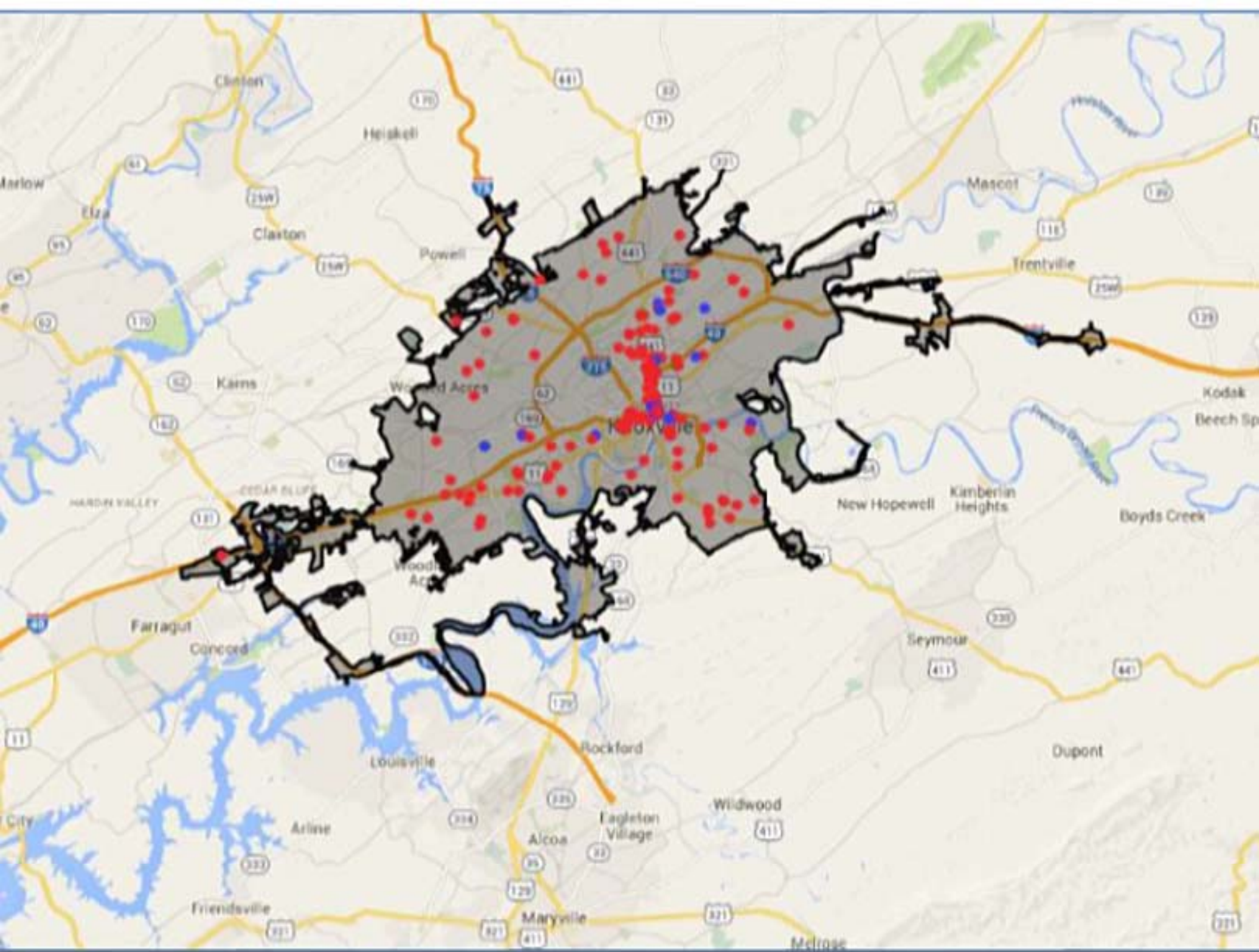


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This message was directed to commission@knoxmpc.org

3 attachments

Sequoyah Hills zoning map.png
1223K



Search By:	Address	Parcel	Owner	Place	Other
Enter Owner Name:	JABLONSKI				<input type="button" value="Search"/>

ro Maps Results Legend Help

Standard Maps

Standard Map

Aerial

Historical Aerials

Planning and Zoning Maps

Existing Landuse

FEMA Flood Map

Growth Plan

Historic Districts and Pre-1865 Structures

One Year Plan

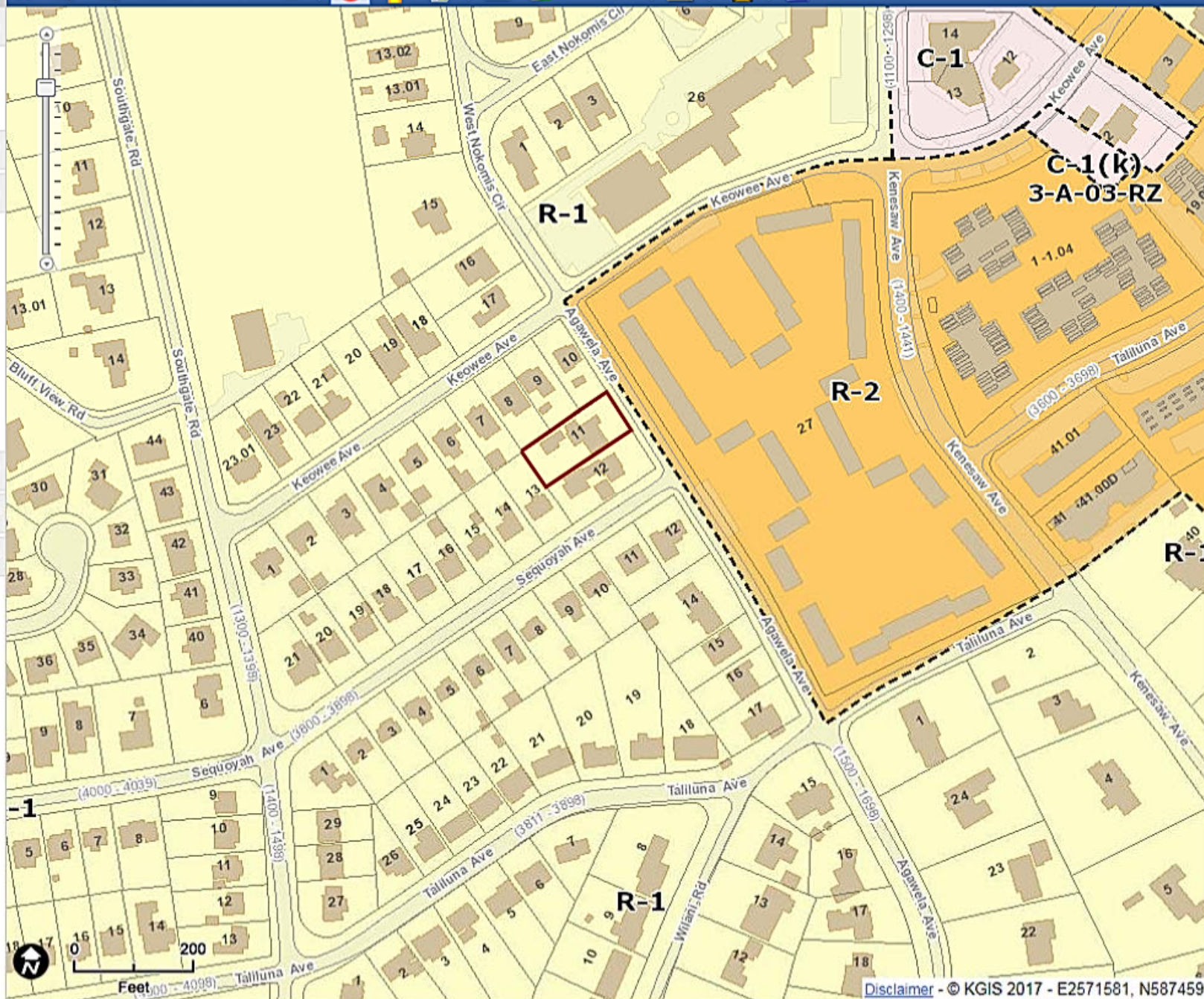
Sector Plan

Zoning

Political District Maps

Pool District Maps

Other Maps



R-1 AND R-1E ZONING IN THE CITY OF KNOXVILLE

Zoning Districts

Low Density Residential (R-1, R-1E)



1 in = 0.5 miles

0 0.5 1 2 3 Miles

Original Map Print Date: May 9, 2017

