

ORDINANCE NO. 100, SERIES 2016

AN ORDINANCE AMENDING THE FOLLOWING SECTION OF CHAPTERS 1, 2 AND 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO SHORT TERM RENTALS OF DWELLING UNITS—APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1002). (AS AMENDED)

SPONSORED BY: Councilman James Peden

WHEREAS, the Planning Commission held a public hearing on April 11, 2016 to consider an amendment to the Land Development Code to define and regulate short term rentals of dwelling units.; and

WHEREAS, the Planning Commission has recommended approval of the amendments as stated in the Planning Commission's minutes of April 11 , 2016 and contained in the attachments for this Ordinance; and


WHEREAS, the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission in Case No. 16AMEND1002 as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto;

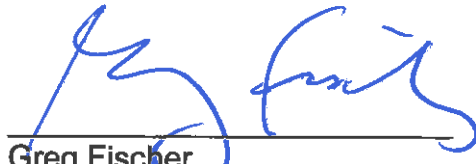
Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

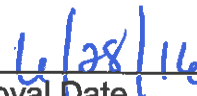
Section I: With amendments, the Metro Council hereby adopts the amendments to the Land Development Code as contained in the minutes and records of the Planning Commission in Case No. 16AMEND1002, dated April 11, 2016, and as more specifically set forth in Exhibit A attached hereto.

Section II: This Ordinance shall take effect on ~~June~~ August 1, 2016.


H. Stephen Ott
Metro Council Clerk

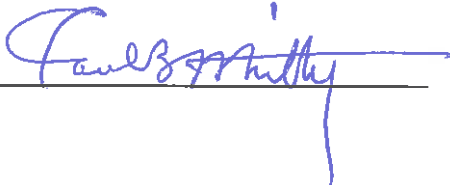

David Yates
President of the Council


Greg Fischer
Mayor


Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

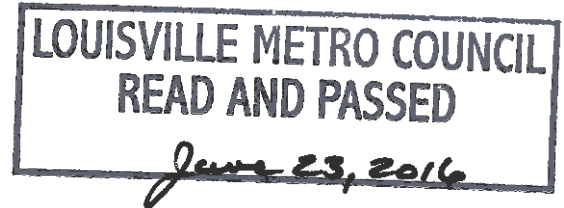


EXHIBIT A

1.2.2 Definitions

* * * *

Bed and Breakfast Inn - The use of a residential structure as a small inn which provides no more than nine (9) guest rooms for hire to short term guests in which the only meal served to guests is breakfast, unless the bed and breakfast inn has an additional food service license which allows other meals to be served. The innkeeper resides on the premises or property immediately adjacent to it during periods of occupancy, and the facility has a permit from the Kentucky Cabinet for Health Services to operate as a Bed and Breakfast Inn. This term does not include hotels, motels, extended stay lodgings, short term rentals or boarding and lodging houses.

* * * *

Boarding and Lodging House - A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodgings facilities, short term rentals, nursing homes ~~rooms~~, or assisted living residences units.

* * * *

Dwelling - A building or portion thereof designed and used exclusively for residential occupancy. This term does not include hotels, ~~or motels~~ or extended stay lodgings.

* * * *

Dwelling Unit - Either a single room or two or more connected rooms used exclusively as a single unit and intended for occupancy for no less than thirty (30) consecutive days or more by one family, and providing complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking and sanitation which are accessed independently). Notwithstanding the provisions of this definition, where permitted, short term rentals may be occupied by more than one family and for less than 30 consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, ~~boarding and lodging rooms~~, nursing home rooms, or assisted living residence units.

* * * *

Extended Stay Lodging - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities. This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.

* * * *

Hotel - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk. This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.

* * * *

Motel - An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ten or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms. This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.

* * * * *

Short Term Rental - A dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

Short Term Rental Host - Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

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2.3.5 OTF Office/Tourist Facility District

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A. Permitted Uses:

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~~Tourist homes~~

* * * *

2.4.4 C-2 Commercial District

* * * * *

A. Permitted Uses:

* * * *

~~Tourist homes~~

* * * *

2.6.3 PEC Planned Employment Center District

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A. Permitted Uses:

All uses permitted in the M-2 Industrial District

All uses permitted in the C-1 Commercial District, excluding dwellings

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2.7.1 Planned Village Development (PVD) District

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C. Development Guidelines and Standards.

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4. Land Use.

The table below (Table 2.7.1) lists the uses permitted within a village. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Master Plan. Subsequent requests for limited uses shall require amendment of the Master Plan and shall be reviewed according to D.2. of this Section. PSS means the use may be permitted with special standards pursuant to Chapter 4, Part 3 of the Land Development Code. X means the use is not permitted. No permitted use or limited use shall be required to secure a conditional use permit. For others listed in Chapter 4, Part 2 of the Land Development Code as Conditional Uses, an applicant may apply for and obtain a conditional use permit provided the private covenants, declarations or restriction of the association of property owners do not forbid the conditional use applied for.

	Village Edge	Village General	Village Center
RESIDENTIAL USE			
* * * * *			

<u>Short Term Rental</u>	<u>PSS</u>	<u>PSS</u>	<u>PSS</u>
* * * * *			

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2.7.2 Planned Transit Development (PTD) District

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E. Development Standards

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2. Land Use

- a. PTD District Land Use Table. The table below lists the uses permitted within a PTD. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Detailed Development Plan. PSS means the use may be permitted with special standards pursuant to Chapter 4, Part 3 of the Land Development Code. X means the use is not permitted. No permitted use or limited use shall be required to secure a conditional use permit. Hours of operation of proposed uses shall be established in the Master Plan.

PTD District Land Use Table

"PTD" Permitted Uses	TRANSIT DISTRICT CENTER	TRANSIT DISTRICT TRANSITION
RESIDENTIAL USE		
* * * * *		
<u>Short Term Rental</u>	<u>PSS</u>	<u>PSS</u>
* * * * *		

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2.7.3 Planned Residential Development (PRD) District ¹

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C. Permitted Uses.

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Short Term Rentals, in accordance with the special standards set forth in Chapter 4, Part 3 of the Land Development Code

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2.7.4 Traditional Neighborhood Zoning District

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B. Development Guidelines and Standards

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2. TNZD Components.

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- e. Land Use within TNZD. The table below is illustrative of the uses permitted within the TNZD. Permitted uses of structures, densities, and floor area ratios within a TNZD are regulated on a structure-by-structure basis. The TNZD shall contain a mixture of uses, including single-family and multifamily residential, retail, and service establishments. The regulation of usage of any structure within the TNZD shall be guided by the architecture, size, or traditional use of the building, and in accordance with the purposes and pattern of the district. This table does not provide an example of uses in the TNZD Neighborhood General "Form District"

Edge Transition because this area's list of uses would be based on the specific form district of an area and may vary widely from one form district to another and from one geographic area to another.

TNZZ Land Use Table

"P" means the use is permitted, subject to design standards and location standards where noted. "P/M" means the use is permitted where mapped. Mapped uses recognize historic uses of lots or, in the case of vacant development sites, an appropriate compatible use. "X" means the use is not permitted. P/CU = Permitted as Conditional Use. No permitted use or use permitted where mapped shall be required to secure a conditional use permit.

Land Use Category	Neighborhood General	Neighborhood Transition-Center	Neighborhood Center
<i>Residential Uses</i>			
* * * * *			
Short Term Rental	PC/U	PC/U	PC/U
* * * * *			

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4.2.1 Intent and Applicability

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

Section	Conditional Use
* *	* *

4.2.61	<u>Short Term Rental of a dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZZ district</u>
* *	* *

4.2.61 Short Term Rental of a dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and Short Term Rental of any dwelling unit in a TNZZ district

A short term rental of dwelling unit that is not the primary residence of the host in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and a short term rental of any dwelling unit in a TNZZ district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- D. The dwelling unit shall be a single-family residence or duplex. This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6.

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4.3.20 Short Term Rentals

In a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district, a short term rental of dwelling unit that is the primary residence of the host is permitted by the Planning Director with special standards set forth in this section. In a C-N, C-R, C-1, C-2, C-3, C-M, EZ-1, W-1, W-2, PVD, PTD or PRD district, any short term rental is permitted by the Planning Director with special standards set forth in this section.

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- D. The dwelling unit shall be a single-family residence or duplex unless the dwelling unit is located on property zoned C-R, C-N, C-1, C-2 or C-3 and the property meets all of the following criteria:
 - 1. The property is within 200' of a TARC route;
 - 2. The property is within .75 miles of a public park; and
 - 3. The property is within one mile of a National Register District or Local Preservation District.This provision shall not be waived or adjusted.
- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Planning Director. The amount and location of parking shall be

based on the land uses and density of the immediate vicinity. In the event that a complaint(s) is filed concerning the lack of adequate parking, the Planning Director may require that the host submit a parking study to Planning & Design Services. If the parking study concludes that there is inadequate parking available to the host and guests, the host shall either a) increase the amount of parking or b) discontinue the short term rental use.

- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. In order to maintain a registry of short term rentals, the host of the short term rental shall submit a notice of intent to commence a short term rental to the Office of Planning & Design Services in a form prescribed by the Planning Director. This form may be an online form that does not require the host to visit the office.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Planning Director may revoke the approval.