

Planning Commission Staff Report

May 21, 2015



Case No:	15AMEND1000
Project Name:	LDC Text Amendment - Boarding and Lodging Houses
Case Manager:	Brian Mabry, AICP, Planning Coordinator

REQUEST

Hold a public hearing and recommend action on an amendment to the text of the Land Development Code (LDC) regarding boarding and lodging houses.

PREVIOUS ACTIONS OF PLANNING COMMISSION AND METRO COUNCIL

- **August 11, 2014** – Planning Commission recommended approval to Metro Council a set of LDC text amendments related to permitted and conditional uses. Included in the recommendation, as PCUP Item #14, was a minor change in terminology from “boarding houses” to “boarding and lodging houses” as a permitted use in the R-8A zoning district. The Planning Commission staff report also included a PCUP Staff Item F that recommended modifying the Conditional Use Permit (CUP) standards for boarding and lodging houses in LDC Section 4.2.11. The recommended modification required boarding and lodging houses to comply with any licensing provisions adopted within the Code of Ordinances and specified parking requirements for these uses. In addition, Staff recommended a change in the definition of boarding and lodging house to remove the term “dwelling unit” and replace it with “building” since the definition of dwelling unit specifically excludes boarding and lodging houses. The Planning Commission voted to recommend approval of Item #14 to Metro Council but deliberately excluded Item F from the approval. The PCUP Items related to boarding and lodging houses that the Planning Commission considered are attached to this Staff Report.
- **February 9, 2015** – Ad Hoc Committee on LDC considered a portion of the proposed amendments to permitted and conditional uses in the LDC but tabled the boarding and lodging house recommendations for further consideration. The items remained tabled until March 23, 2015.
- **March 23, 2015** – Ad Hoc Committee on LDC discussed and recommended approval of an amendment to the standards in Section 4.2.11 of the LDC. The recommendation was more extensive than what was recommended for approval by the Planning Commission in August 2014.
- **April 16, 2015** – Metro Council voted to approve on first reading the Ad Hoc Committee’s text amendment to the LDC related to boarding and lodging houses. The Assistant County Attorney determined at the meeting that the text amendment must go back to the Planning Commission for a public hearing and recommendation. After the Planning Commission makes a recommendation, the proposed amendment will then return to the Ad Hoc Committee. It will then go to the Metro Council for final action. The proposed Metro Council ordinance amending the text of the LDC is attached to this Staff Report. Also at this meeting, Metro Council approved an amendment to the Metro Code of Ordinances related to licensing of shelters, transitional housing and boarding and lodging houses. The licensing Ordinance is also attached to this Staff Report.

SUMMARY OF METRO COUNCIL LDC TEXT AMENDMENT

The following is a summary of proposed Metro Council LDC text amendment provisions that are in addition to or modifications of what the Planning Commission originally considered and recommended.

- Boarding and lodging houses require a CUP in R-7 and R-8A, in addition to the other districts where a CUP is required.
- Administrative and maintenance requirements in Kentucky Administrative Regulations related to boarding houses would only apply if meals are served.
- Location must be near a collector or arterial with reasonable access to public transportation. What is or is not “reasonable” would be at the discretion of the Board of Zoning Adjustment (BOZA) as part of CUP review.
- Compliance with Building and Heath Code is reiterated.
- BOZA must consider the proximity of similar uses when reviewing the CUP request.
- Specific CUP submittal requirements are spelled out.
- Operators must maintain, and make available for inspection, records relating to boarders.
- BOZA must find that the proposal will not be harmful to the neighborhood, will not result in adverse impacts, and will be compatible with neighborhood character.
- Metro and state licensing requirements are reiterated.
- Operating a boarding or lodging house without a license may be grounds for BOZA denying the CUP.
- Consistently use the term “boarding and lodging house(s)” throughout the LDC.

Metro Council’s ordinance retains the parking requirements originally recommended by the Planning Commission. Metro Council’s ordinance, however, does not contain the minor adjustment of the definition of boarding and lodging house in which “dwelling unit” is proposed to be replaced with “building”.

APPLICABLE PLANS AND POLICIES

These amendments to the LDC text are consistent with the following goals and objectives of Cornerstone 2020.

1. Traditional Neighborhood, Neighborhood and Village, Goal C2, Community Design – Objective C2.7

Appropriate housing: Promote the integration of appropriate housing units in all neighborhood, traditional neighborhood, and village form districts so that no form district can be employed as a means to exclude appropriate housing from residential neighborhoods.

2. Plan Element Community Form and Land Use, Guideline 3, A. Policies, Item 14

Appropriate/Inclusive Housing. Encourage provision of appropriate/inclusive housing by providing a variety of ownership options and unit costs throughout Jefferson County. Expand opportunities for people to live in sound, variably priced housing in locations of their choice by encouraging lower cost housing in dispersed locations throughout the community.

NOTIFICATION

Notification of the Planning Commission public hearing has been conducted in accordance with KRS 100 requirements.

STAFF CONCLUSIONS

The amendment would provide additional operational and design standards for boarding and lodging houses beyond what currently exist in the LDC and beyond what the Planning Commission originally recommended.

Staff recommends the following minor adjustments to Metros Council's proposed amendment:

1. Remove "boarding homes" from the list of permitted uses for R-7 in Section 2.2.12 and for R-8A in Section 2.2.13.
2. Amend paragraphs H.4 and H.5 so that they end with a semicolon rather than a period to show that they are part of a continuing list.
3. Amend paragraph H.6 to conclude with "...; and" rather than with a period so that it is clear that the list of application requirements is cumulative.
4. Amend paragraph H.7 to use the term "conditional use permit application" rather than "conditional use application permit."
5. Amend paragraph M to use the term "boarding and lodging house" rather than "shelter."
6. Amend the definition of boarding and lodging house in Section 1.2.2 to remove the term "dwelling unit" and replace it with "structure".