

# Planning Commission Staff Report

Meeting Date: 3/20/14



<b>Case:</b>	14AMEND1001
<b>Project Name:</b>	Development Code Text Amendment – Conditional Use Permit for Bed & Breakfast in R-E & R-1 Zoning Districts
<b>Applicant:</b>	City of Anchorage
<b>Jurisdiction:</b>	City of Anchorage
<b>Case Manager:</b>	Michael Hill, AICP, Planning Coordinator

## REQUEST

- Development Code Text Amendment (Old Code – City of Anchorage Only)
  - Article 4, Section 4.2 & 4.3 & Article 15, Section 42
    - To allow bed and breakfasts as a conditional use in the R-E Residential Estate and R-1 Residential Single-Family zoning districts.

## CASE SUMMARY/BACKGROUND

The City of Anchorage is proposing to add a new conditional use permit category that would allow bed and breakfast facilities in the R-E Residential Estate and R-1 Residential Single-Family zoning districts. This proposed text amendment, if adopted, would be applied to the old Jefferson County Development Code and only applicable within the City of Anchorage.

Currently, the Jefferson County Development Code, which is in effect in the City of Anchorage, allows “boarding and lodging houses” within the City of Louisville within various zoning districts as either a permitted or conditional use, but Anchorage has very little of any of these zoning districts. Furthermore, the Development Code definition of boarding and lodging house includes only a limited version of a bed and breakfast facility. This proposal would clear up any confusion with regard to how boarding houses and bed and breakfast facilities are related within the Development Code, and would further clarify where exactly bed and breakfast inns may be allowed.

For informational purposes, the current Land Development Code in effect in Louisville Metro and several other jurisdictions within Jefferson County allows bed and breakfasts as a permitted use in R-7, R-8A, the Office Residential zones, the Commercial zones, EZ-1 and PEC; and as a conditional use in R-R, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B and R-6.

The language proposed was drafted by the City of Anchorage and has already been approved by the Anchorage City Council on 1/13/14 (see resolution attached to this report). The language appears to be modeled after the bed and breakfast conditional use permit language included in the current version of the Louisville Metro Land Development Code. Planning & Design Services staff has added a clarification to the proposed text that references the City of Anchorage’s Noise Ordinance.

Approximately 90% of Anchorage is currently zoned R-E and R-1, but because of the proposed three acre minimum lot size only about 15% of the properties within the City would potentially be eligible to request this conditional use permit.

On 2/13/14 the Planning Committee reviewed this proposal and unanimously recommended a Planning Commission public hearing date be scheduled. Once a recommendation is made by the Planning Commission, the Anchorage City Council will take final action on the proposed text amendment.

## APPLICABLE PLANS AND POLICIES

These amendments to the Development Code (Anchorage version only) are in accordance with the following Goals and Objectives of Cornerstone 2020.

1. Community Form Strategy, B. Village Form District
  - a. Objective C1.1 - Recognize and encourage the unique and diverse characteristics of Louisville and Jefferson County's neighborhoods, traditional neighborhoods and villages.
2. Marketplace Strategy – Business Climate
  - a. Objective D1.6 - Expand the Louisville area's hospitality and tourism industry.
3. Plan Element B. Marketplace – Provide a positive culture for attracting and sustaining businesses within Louisville and Jefferson County.

### **NOTIFICATION**

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

### **STAFF CONCLUSIONS**

Staff feels that this text amendment would be appropriate for the Anchorage area which would then be able to better serve tourists while promoting the unique characteristics the City has to offer. The proposal complies with the Comprehensive Plan goals, objectives and plan elements listed in this staff report. Any future proposed bed and breakfast facility utilizing this conditional use permit option will be required to be reviewed during a public hearing of the Board of Zoning Adjustments. As mentioned previously, final action on the Planning Commission's recommendation will be taken by the Anchorage City Council.

### **PROPOSED TEXT AMENDMENTS**

**Article 4, Section 4.2 R-E Residential Estate District**

The following provisions shall apply in the R-E Residential Estate District unless otherwise provided in these regulations:

**B. CONDITIONAL USES:**

Certain uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports  
Aviaries and zoos

**Bed and Breakfast Inns\*\*\*\*\***

Boarding and lodging houses, nursing homes and homes for the infirmed and aged \*\*

Camping areas, public and private

Cemeteries, mausoleums and crematories

Clubs, private non-profit and private proprietary

Commercial kennels \*\*\*

Day care center

Excavations, minor

Family day care home \*\*\*\*

Hospitals and institutions \*\*

Hospitals, institutions, nursing homes and homes for the infirmed and aged \*

Lakes, commercial

Marinas and boat rental

Off-Street parking

Oil, gas and hydrocarbon extraction

Sewage plants

Towers, commercial

\* Not in effect in the City of Louisville.

\*\* In effect in the City of Louisville only

\*\*\* Docket No. 9-59-92.

\*\*\*\* March 1992, Docket No. 9-67-91.

\*\*\*\*\***In effect in the City of Anchorage only.**

**Article 4, Section 4.3 R-1 Residential Single-Family District**

The following provisions shall apply in the R-1 Residential Single Family District unless otherwise provided in these regulations:

**B. CONDITIONAL USES:**

The following uses may be permitted in this district, upon the granting of a Conditional Use Permit by the appropriate Board of Zoning Adjustment. Refer to Article 15 for further information and requirements that apply to specific uses.

Airports, heliports  
Amusement parks  
Aviaries and zoos

**Bed and Breakfast Inns\*\*\*\*\***

Boarding and lodging houses, nursing homes, & homes for the infirm and aged \*\*\*\*\*  
Camping areas, public and private  
Cemeteries, mausoleums and crematories  
Circus and carnival grounds  
Clubs, private non-profit and private proprietary  
Commercial greenhouses \*\* Commercial kennels \*\*\*  
Day care center  
Drive-in theaters  
Excavations, minor  
Excavation, filling and refuse disposal  
Family day care home \*\*\*\*\*

\* Not in effect in the City of Louisville.

\*\* Docket No. 9-69-88.

\*\*\* Docket No. 9-59-92.

\*\*\*\* March 1992. Docket No. 9-67-91.

\*\*\*\*\* In effect in City of Louisville only

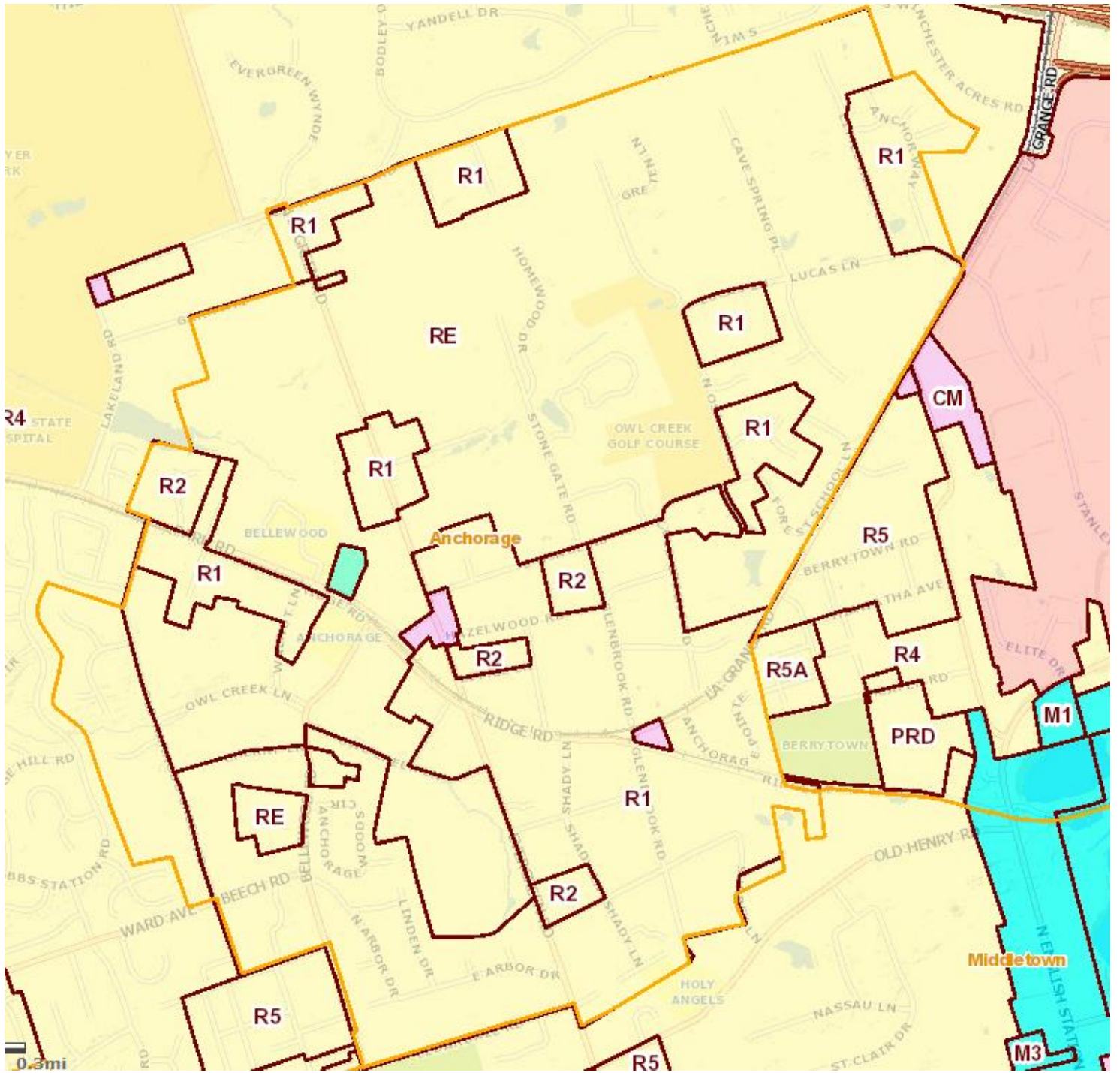
**\*\*\*\*\*In effect in the City of Anchorage only.**

**Article 15, Section 42                      Bed and Breakfast Inns (In effect in the City of Anchorage only)**

**Bed and Breakfast Inns may be allowed in the R-E and R-1 Districts upon the granting of a Conditional Use Permit in compliance with the following requirements.**

- A. **The land area (lot or lots) on which one (1) single-family residence now exists and for which the owner seeks a Conditional Use Permit to operate a Bed and Breakfast Inn shall be a minimum of three (3) acres, and regardless of land area shall not be subject to further subdivision should a Conditional Use Permit be issued for a Bed & Breakfast Inn.**
- B. **No more than nine (9) guest rooms shall be permitted, and a maximum of two (2) adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.**
- C. **Guests are limited to a length of stay no more than fourteen (14) consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license numbers of all guests.**
- D. **Bed and Breakfasts Inns may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest room.**
- E. **Bed and Breakfast Inns located within the R-E and R-1 Districts shall be required to comply with the City of Anchorage Noise Ordinance otherwise applicable for only the CN District and shall not conduct any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed and Breakfast Inn. This provision shall not be altered or waived by the Board of Zoning Adjustment.**

- F. Any signage which identifies the use of the property shall be in accordance with the Anchorage Sign Ordinance as it applies in the R-E and R-1 Districts.
- G. The location of parking shall comply with the same parking standards as a single family detached dwelling unit (no on-street parking shall be permitted), except any additional parking, based on the number of guest rooms, beyond that which can be accommodated in a driveway no wider than two (2) sufficiently parked cars must be out of the required setback and yards as specified in the R-E and R-1 Districts, and in no case shall parking be less than twenty-five (25) feet from the boundary of the property, and in all instances be subject to the City of Anchorage tree preservation ordinance. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure to be used as a Bed and Breakfast Inn.



W. Thomas Hewitt  
Mayor

Incorporated 1878



CITY OF ANCHORAGE

January 29, 2014

Mr. Mike Hill  
Louisville Metro Planning & Design  
444 S. 5<sup>th</sup> St.  
Louisville, KY 40202

Dear Mr. Hill:

Thank you for your guidance as to the procedure for Anchorage to add a conditional use for Anchorage to the Land Development Code.


As I explained in our conversation, Anchorage wishes to add "Bed & Breakfast" as a use permitted in the R-E and R-1 Districts with a Conditional Use Permit, and to add a new section to Anchorage's version of the LDC which is outlined in the enclosed Resolution from the City Council of Anchorage.

It is my understanding that this is a "text amendment" which will need to 1) go before the Planning Committee, 2) be published in The Courier-Journal at Anchorage's cost, then 3) be heard by the Planning Commission, and 4) recommended (or not) to the City of Anchorage.

Please advise me if I have the sequence of progression incorrect. Anchorage would like to advance this conditional use addition by getting on the agenda for the Planning Committee as soon as possible.

Please let me know if you have any questions or further information for me.

Sincerely,

  
Alice McKinley  
Assistant to the Mayor/City Clerk

Enclosure

RECEIVED  
JAN 30 2014  
LOUISVILLE METRO  
DESIGN SERVICES

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ANCHORAGE, KENTUCKY**

**NO. 1, SERIES 2014**

**WHEREAS**, it has come to the attention of the Council that there are certain properties within the RE and R1 Districts of the City where, with appropriate restrictions, the operation of a Bed & Breakfast, subject to review of the specific circumstances and the restrictions set out hereinbelow, would be appropriate;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

The City respectfully requests that the Louisville Metro Planning Commission hold a public hearing on the City's desire to amend Article 4, Sections 4.2 and 4.3, of its Land Development Code to, first, add "Bed & Breakfast" as a use permitted in the RE and R1 Districts with a Conditional Use Permit ("Permit") and, second, to add a new Section to Anchorage's version of the Land Development Code which reads as follows:

Bed & Breakfast Inns may be allowed in the RE and R1 Districts upon the granting of a Permit in compliance with the following requirements:

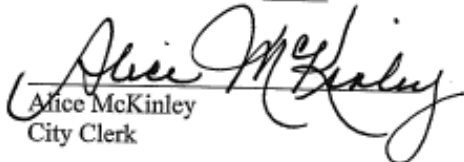
- A. The land area (lot or lots) on which one (1) single-family residence now exists and for which the owner seeks a Permit to operate a Bed & Breakfast shall be a minimum of three (3) acres, and regardless of land area shall not be subject to further subdivision should a Permit be issued for a Bed and Breakfast.
- B. No more than nine (9) guest rooms shall be permitted, and a maximum of two (2) adults shall be allowed per guest room. However, the Board of Zoning Adjustment may impose a lower limit on the number of guest rooms after considering the size of the building, the size of the property, the economics of the proposal, and the effect on surrounding properties.
- C. Guests are limited to a length of stay of no more than fourteen (14) consecutive days. The resident innkeeper or owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license numbers of all guests.
- D. Bed & Breakfasts may provide food service or space for indoor meetings provided all applicable food service and capacity regulations are complied with. No food preparation is allowed in any guest room.



- E. Bed & Breakfasts located within the RE and R1 Districts shall be required to comply with the City's noise Ordinance otherwise applicable for only the CN District, and shall not conduct any outdoor activities and/or events that are attended by anyone that is not a current registered overnight guest of the Bed & Breakfast Inn. This provision shall not be altered or waived by the Board of Zoning Adjustment.
- F. Any signage which identifies the use of the property shall be in accordance with the Anchorage sign Ordinance as it applies in the RE and R1 Districts.
- G. The location of parking shall comply with the same parking standards as a single-family detached dwelling unit (no on-street parking shall be permitted), except any additional parking, based on the number of guest rooms, beyond that which can be accommodated in a driveway no wider than two (2) sufficiently parked cars must be out of the required setback and yards as specified in the RE and R1 Districts requirements, and in no case shall parking be less than twenty-five (25) feet from the boundary of the property, and in all instances be subject to the City's tree preservation ordinance. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure to be used as a Bed & Breakfast Inn.

I hereby certify that the above Resolution was adopted by a voice vote of the City Council at its regular meeting on the 13<sup>th</sup> day of January, 2014.

	<u>YES</u>	<u>NO</u>
Hagan, Cecelia	✓	___
Heiskell, Dan	✓	___
Ramsey, Neil	✓	___
Mitchell, Susan	✓	___
Rublein, Brian	✓	___
Wetherton, Bill	✓	___

  
 Alice McKinley  
 City Clerk