

ORDINANCE NO. 173, SERIES 2015

**AN ORDINANCE AMENDING SECTIONS OF CHAPTERS 2, ~~AND 4 OF~~
AND 9 OF THE LAND DEVELOPMENT CODE PERTAINING TO
BOARDING AND LODGING HOUSES—APPLICABLE SECTIONS ARE
MORE FULLY SET FORTH BELOW IN EXHIBIT A—WHICH IS PART
OF A CONTINUING EFFORT TO UPDATE THE ZONING
REGULATIONS FOR LOUISVILLE METRO (CASE NO.
15AMEND1000)(AS AMENDED).**

SPONSORED BY: Councilwoman Cheri Bryant Hamilton

WHEREAS, boarding and lodging houses, if not properly regulated, can become a nuisance, disrupting compatibility of established neighborhoods and having a negative effect on surrounding property values; and

WHEREAS, without appropriate standards of operation, boarding and lodging houses can become unsafe, unsanitary and a threat to public health and safety; and

WHEREAS, boarding and lodging houses, if properly regulated, are a viable and valuable form of residential housing, which is encouraged by Cornerstone 2020, Louisville Metro's comprehensive plan; and

WHEREAS, the Planning Commission held an initial public hearing on August 11, 2014 in accordance with KRS Chapter 100 to consider text amendments to Section 4.2.11 of Land Development Code ("LDC") pertaining to boarding and lodging houses and sent to the Metro Council its recommendations regarding the proposed changes to Section 4.2.11; and

WHEREAS, during its consideration of the Planning Commission's recommendations relating to Section 4.2.11, the Metro Council's Ad Hoc Committee on the LDC proposed substantial changes to the Planning Commission's recommended language and sent its proposed additional amendments back the Planning Commission

so that said language could be considered during another public hearing, as required by KRS Chapter 100; and

WHEREAS, in response to the Ad Hoc Committee's instructions, the Planning Commission held a public hearings on May 21, 2015 and June 4, 2015 to consider the Committee's changes to the proposed text amendment regarding boarding and lodging houses and, following said hearings, the Planning Commission recommended to the Metro Council that the language contained in Exhibit A attached hereto be adopted, as reflected in the minutes and records of the Planning Commission in Case No. 15AMEND1000;

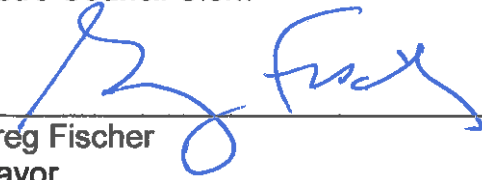
WHEREAS, On October 5, 2015, the Ad Hoc Committee of the Metro Council concurred with and in adopted the findings and recommendations of the Planning Commission in Case No. 15AMEND1000, but with revisions to the Commission's recommended language as reflected in the Planning Commission's minutes and records, and as more specifically set forth in Exhibit A attached hereto, the Committee's revisions denoted by double underlines and double strikethroughs;

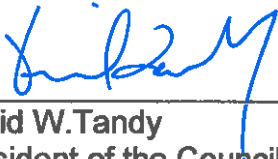
Now THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: 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. 15AMEND1003, dated May 21, 2015 and June 4, 2015, and with further amendments made by the Ad Hoc Committee of the Metro Council as more specifically set forth in Exhibit A attached hereto.

Section II: This Ordinance shall take effect upon its passage and approval.


H. Stephen Ott
Metro Council Clerk


Greg Fischer
Mayor


David W. Tandy
President of the Council

10/12/15
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 

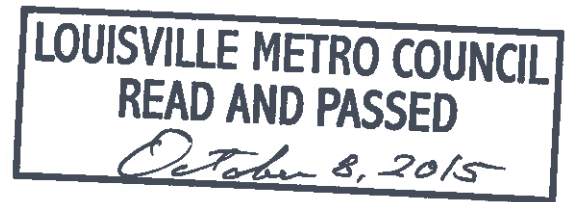


EXHIBIT A
(Boarding and Lodging Houses)

2.2.12 R-7 Residential Multi-Family District

...

A. Permitted Uses:

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~~Boarding and lodging houses~~

...

2.2.13 R-8A Residential Multi-Family District

...

A. Permitted Uses:

...

~~Boarding houses~~

...

2.3.2 OR-1 Office/Residential District

...

A. Permitted Uses:

...

~~Boarding, and lodging houses~~

...

2.3.3 OR-2 Office/Residential District

...

A. Permitted Uses:

...

~~Boarding, and lodging houses~~

...

2.3.4 OR-3 Office/Residential District

...

A. Permitted Uses:

...

~~Boarding, and lodging houses~~

...

2.3.5 OTF Office/Tourist Facility District

...

A. Permitted Uses:

...

Boarding, and lodging houses

...

2.7.2 Planned Transit Development (PTD) District

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E. Development Standards

2. Land Use

PTD District Land Use Table

"PTD" Permitted Uses	TRANSIT DISTRICT CENTER	TRANSIT DISTRICT TRANSITION
LODGING USE		
Boarding, <u>and</u> Lodging Houses	X	L

Chapter 4 Part 2 Conditional Uses

4.2.1 Intent and Applicability

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Section	Conditional Use
4.2.3	Accessory Apartments
...	...
4.2.11	Boarding Homes <u>and Lodging Houses</u>

Section 4.2.11 ~~Boarding Homes~~ Boarding and Lodging Houses

Boarding ~~Homes~~ and lodging houses may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, ~~and R-6, R-7, and R-8A~~ districts upon the granting of a Conditional Use Permit and compliance with the following requirements.

- A. Boarding ~~homes~~ and lodging houses located in R-E, R-R, R-1, R-2, R-3, R-4 and R-5 single family districts shall have a maximum of 3 boarders in addition to resident family members of the boarding and lodging house keeper. Those boarding ~~Homes~~ and lodging houses located in other districts shall have a maximum of 8 boarders.
- B. All boarding ~~homes~~ and lodging houses shall comply with the administrative and maintenance requirements established in 902 KAR 20:350, only applicable when meals are served at the facility.

- C. Boarding Homes and lodging houses shall not have any signage which identifies the use.
- D. Boarding and lodging houses shall be located on or near a collector or arterial street with reasonable access to public transportation.
- E. Sufficient on-site parking shall be provided as required by the Land Development Code.
- F. All boarding and lodging houses shall comply with applicable building code and health department regulations.
- G. The Board of Zoning Adjustment shall take into account the location of other boarding and lodging houses, transitional housing, homeless shelter or rehabilitation homes in its analysis of conditional use permit applications for boarding and lodging houses.
- H. The following information shall be provided for all boarding and lodging houses conditional use applications:
 - 1. Resident/client profile (population to be served);
 - 1. Type of resident population intended to be served, if any (e.g. veterans, a victim group, persons recovering from substance abuse (without on-site assistance services or supervision), college students, contract/seasonal workers, parolees (without on-site assistance or supervision), single person, etc.);
 - 2. Site plan and floor plans;
 - 3. Rules of conduct and business management plan;
 - 4. Support services to be provided and projected staffing level, if any;
 - 5. Proposed maximum stay for each resident;
 - 6. Any other information the Board of Zoning Adjustment deems necessary to evaluate the application; and
 - 7. Any Changes to the foregoing information submitted in connection with the conditional use application permit application shall require the conditional use permit holder to apply for a modified conditional use permit from the Board of Zoning Adjustment.
- I. ~~The operators of a boarding and lodging house shall maintain records relating to boarder identity, term of stay, and client profiles and shall have said information available for inspection by a Code Enforcement Officer.~~ The operators(s) of a boarding and lodging house shall maintain a registry of residents, which shall document the term of stay of each resident. This registry shall be made available for inspection by a Code Enforcement Officer in order to determine the total number of residents residing in the boarding and lodging house at a given time and whether or not a term of stay is temporary or permanent. However, under these provisions, the operator is not required to collect and/or maintain records that may be used for discriminatory purposes

under the Fair Housing Acts, including but not limited to records relating to the race, religion, gender, national origin, family status and/or disability of any resident.

- J. The Board of Zoning Adjustment shall, to the best of their abilities, find that the establishment of the facility will not result in harm to the health, safety or general welfare of the surrounding neighborhood, and that substantial adverse impacts on adjoining properties or land uses will not result from the facilities' operations.
- K. The Board of Zoning Adjustment shall find that the facility is compatible with the character of the surrounding neighborhood.
- L. No boarding and lodging house shall operate until it has received a license pursuant to Louisville Metro Code of Ordinances Section 115 and, if required, a license from the Commonwealth of Kentucky pursuant to KRS 21B.
- M. Operation of a shelter boarding and lodging house without the required license may constitute grounds for denial of a related conditional use permit by the Board of Zoning Adjustment.

Table 9.1.2.A: Minimum and Maximum Motor Vehicle Parking Based on Use

USE CATEGORY Residential	SPECIFIC USES	MINIMUM SPACES REQUIRED	MAXIMUM SPACES ALLOWED
Group Housing			
	Assisted Living Residences	.5 spaces for each dwelling unit, plus 1 space for each 2 employees on maximum shift	1.5 spaces for each dwelling unit, plus 1 space for each employee on maximum shift
	<u>Boarding and lodging houses</u>	<u>1 space for manager plus 0.5 space per boarder</u>	<u>1 space for manager plus 1.0 space per boarder</u>
	College Dormitories	1 space for each sleeping room OR As determined upon review by the Planning Director	2 space for each sleeping room OR As determined upon review by the Planning Director

Table 9.2.1: Bicycle Parking Requirements by Land Use

Use Category	Specific Use	Required Long-Term Parking Spaces	Required Short-Term Parking Spaces
Residential	<u>Boarding and lodging houses</u>	2, or 1 per ten sleeping rooms	None
	Hotels, motels	2, or 1 per 50 employees	