

Case # 21-LDC-0001

Boarding & Group Housing Land Development Code Amendments



Planning Commission

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Request

- **Metro Council passed a resolution asking staff and the Planning Commission to undertake a review of the regulations pertaining to temporary housing in residential zoning districts and consider additional standards to improve the compatibility of these uses within residential areas**
- **In addition, Metro Council is requesting recommendations that will aid in the enforcement of the regulations to ensure compliance**

How is Temporary/Group Housing Regulated?

- State law (KRS)
- Local zoning regulations/Land Development Code (LDC)
- Local ordinance/Louisville Metro Code of Ordinances (LMCO)
- State and local building and life safety codes
- *Guidelines and standards required by agencies and organizations*

What is Classified as Temporary/Group Housing?

- Boarding & lodging houses
- Homeless shelters
- Rehabilitation homes
- Residential care facilities
- Transitional housing
- *Recovery housing (not defined in the LDC)*

What is Not Classified as Temporary/Group Housing?

- Multi-family dwellings (including long term rentals thereof)
- Hotels, motels, and extended stay lodging
- Bed and breakfast inns
- Short term rentals
- Assisted living, family care homes, hospitals, and nursing homes
- Detention centers, jails, and prisons

Overview of Current LMCO Regulations

- Requires annual license for some, but not all, of the aforementioned group housing types (boarding and lodging houses, homeless shelters, and transitional housing only)
- Allows for an annual review and inspection by different agencies
- Provides penalties for non-compliance with the LMCO provisions

Overview of Current Metro LDC Regulations

- Defines and differentiates types of group housing
- Regulates where different types of group housing can and cannot be located (by zoning district)
- If permitted, provides 1 of 3 processes for approval
 1. By right (non-discretionary, allowed without any public hearing or special approval)
 2. By right with special standards (non-discretionary, allowed without any public hearing or special approval if stated standards are met)
 3. By Conditional Use Permit or CUP (discretionary, approved or denied following a public hearing)
- Provides penalties for non-compliance with the LDC provisions (as set forth in KRS)

Overview of Current Regulations (By Type)

Boarding & lodging houses

- Permitted by right in office residential and commercial zones
- Permitted with CUP in residential zones
- Requires annual license

Homeless shelters

- Permitted with CUP in any zone
- Requires annual license

Rehabilitation homes

- Permitted with CUP in any zone
- Does not require annual license

Overview of Current Regulations (By Type)

Residential care facilities

- Permitted by right in any zone
- Regulated by state law

Transitional housing

- Permitted with special standards in any zone where residential use is permitted
- Permitted with CUP in any zone if special standards cannot be met
- Requires annual license

Issues That Need to be Addressed

- Compliance & enforcement
- Confusion about requirements
- Building code conflicts
- Licensing
- The need for different types of temporary & affordable housing
- Appropriate household size & occupancy limitations
- Disproportionate concentration
- The impact on neighborhoods
- Probationers & parolees

Community Engagement To Date

- Met with several stakeholders, including residents, group housing operators, Metro staff, staff with local and state agencies involved with group housing and monitoring persons on probation and parole, fair housing advocates, sober living/recovery housing advocates
- Established a dedicated webpage to disseminate information and obtain comments regarding the regulations.
- Held 3 virtual community meetings

Currently Proposed Changes: General

- Revises definitions to better differentiate and describe uses; bring consistency where possible to definitions also provided in LMCO, state law, state administrative regulations, and building codes; and eliminate unnecessary terms
- Does not introduce any new uses as additional defined uses could make the regulations more complicated
- Clarifies that privately operated halfway houses (where occupants on parole are mandated to stay) are rehabilitation homes
- Regulates most forms of recovery housing as transitional housing

Currently Proposed Changes: Boarding & Lodging Houses

- Changes the name of the defined use to boarding house
- Amends the definition, with new sub-definitions for residential lodging house and commercial lodging house
- No longer permits by right without any special standards
- For those requiring a CUP, limits to 4 boarders in single-family residential zoning and to 8 boarders in multi-family residential zoning
- Amends the CUP standards to require own bedrooms, limit nonresidential uses and services unless otherwise permitted, implement a 1000' distance requirement, and allow for revocation due to complaints

Currently Proposed Changes: Residential Lodging Houses

- Establishes approval processes for houses with 4 or fewer boarders
 - Allows by right with special standards in R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, TNZD, OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, and PEC
 - Allows with approval of the Planning Commission in PVD and PTD
- Establishes approval processes for houses with 5+ boarders:
 - Allows by right with special standards in OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, and PEC
 - Allows with CUP in R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, and R-8A, TNZD (Neighborhood Center), and TNZD (Neighborhood Transition-Center)
 - Allows with approval of the Planning Commission in PVD and PTD

Currently Proposed Changes: Commercial Boarding Houses

- Establishes approval process:
 - Allows by right with special standards in OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, and PEC
 - Allows with CUP in R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, and R-8A, TNZD (Neighborhood Center), and TNZD (Neighborhood Transition-Center)
 - Allows with approval of the Planning Commission in PVD and PTD

Currently Proposed Changes: Homeless Shelters

- Substantive changes are not recommended
- Continues to allow by right with special standards in R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-N, EZ-1, PRO, PEC, and TNZD
- Continues to permit with a CUP in any zoning district in which not permitted by right with special standards or if a special standard cannot be met

Currently Proposed Changes: Rehabilitation Homes

- Amends the definition of rehabilitation home to clarify the requirement for supervised medical care and/or to stay at the specific facility as a condition of parole
- Continues to allow for 2 types, accommodations for occupants receiving supervised medical or professional care and occupants staying at the subject facility for supervised reentry as a condition of their parole
- Continues to allow with a CUP in any zoning district
- Amends CUP standards to limit homes in single-family residential zoning to 4 residents; limit homes in multi-family zoning to maximums determined by the BOZA, require appropriate 24-hour supervision and adequate support services for residents, implement a 1000' distance requirement, and allow for revocation due to complaints

Currently Proposed Changes: Residential Care Facilities

- Substantive changes are not recommended as this use is regulated by KRS
- Continues to allow by right in any zoning district

Currently Proposed Changes: Transitional Housing

- Continues to allow by right with special standards in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, R- 5B, U-N, R-5A, R-5B, R-6, R-7, R-8A, OR, OR-1, OR-2, OR-3, OTF, C-R, C-N, C-1, C-2, C-3, C-M, EZ-1, PRO, PEC, and TNZD
- Continues to allow with a CUP in any zoning district if special standards cannot be met
- Amends CUP standards to review for compatibility, better allow for related services, implement a 1000' distance requirement, and allow for revocation due to complaints
- Suggests NARR Standards for transitional housing serving as recovery housing

Currently Proposed Changes: LMCO

- Revises definitions to better differentiate and describe uses; bring consistency where possible to definitions also provided in the LDC, state law, state administrative regulations, and building codes; and eliminate unnecessary terms
- Adds rehabilitation homes to the types of group housing requiring a license
- Amends the penalty section to increase fines for non-compliance with the LMCO regulations

Required Action

The Planning Commission must **RECOMMEND** to Metro Council and the legislative bodies of cities with zoning authority that the LDC amendments, as described in the staff report, be **APPROVED, APPROVED WITH MODIFICATIONS, or DENIED**

The Planning Commission **MAY RECOMMEND** to Metro Council that the LMCO amendments, as described in the staff report, be **APPROVED, APPROVED WITH MODIFICATIONS, or DENIED**