

What's the law on Bed and Breakfast?

4.2.9 Bed and Breakfast Inns

Bed and Breakfast Inns may be allowed in the R-R, R-1, R-2, R-3, R-4, R-5, U-N, TNZD (in effect within Louisville Metro only), R-5A, R-5B, R-6, M-1, PRO, PTD, PRD, W-1, W-2, and W-3 (Note: Revision proposed by Louisville Bed and Breakfast Association) Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. No more than nine (9) guest rooms shall be permitted, and a maximum of two 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.

B. Guests are limited to a length of stay no more than 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 number of all guests.

C. Bed and 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 bedroom.

D. Bed and Breakfast Inns in residential zoning districts shall be required to comply with the requirements of Section 4.3.7 and obtain a temporary activities permit for 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.

E. Any signage which identifies the use shall be in accordance with the underlying zoning and form district standards.

F. The location of parking shall comply with the same parking standards as a single family detached dwelling unit, except any additional parking beyond what can be accommodated in a driveway no wider than to sufficiently park two (2) cars must be out of the required setback and yards as specified in the underlying Form District requirements. Parking for guests shall not be served by a separate driveway from that serving the principal residential structure.

G. Conditional use permits for Bed and Breakfast Inns in residential zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determines, in its discretion to be appropriate.

What is a conditional use permit?

4.2.2 General Provisions

All Conditional Uses shall meet the following standards in addition to requirements listed for each section:

A. Additional Requirements - Where the Board finds that the conditions or circumstances relating to a particular application warrant more requirements in addition to those listed in connection with the particular use applied for, the Board may attach additional conditions; refer to 11.5.A.

B. Relief From Listed Requirements - The Board may decrease or waive listed requirements, either permanently or on a temporary basis; refer to 11.5.A.

C. Compliance With Listed Requirements and Attached Conditions - The Board shall have the power to revoke Conditional Use Permits for noncompliance with listed requirements or attached

conditions. Furthermore, the Board shall have a right of action to compel the removal of offending structures or uses at the cost of the violator and may have judgment in person and for such cost.

D. Drives and Parking Areas - All drives and parking areas (except landscaping areas) shall be surfaced with a hard and durable material and properly drained. Gravel drives and parking areas, as well as drives and parking areas constructed with semi-pervious materials approved by the Board, may be permitted.

E. Compatibility - Conditional Uses shall comply with all applicable standards of the Land Development Code, including the form district regulations, form district transition standards, and landscaping. Additional standards may be included in the listed requirements for a particular use.

F. Off-Street Parking Requirements - Off-street parking spaces shall be provided in accordance with Chapter 9, Parking Regulations unless otherwise listed. The Board may establish additional parking requirements

G. Lighting Requirements - Outdoor lighting shall conform to the design, light glare, and light trespass standards as stated in Chapter 4 Part 1, Outdoor Lighting Regulations.

LDC Chapter 4 Part 2

H. Setbacks and Required Yards - All buildings, structures and facilities, whether permanent or temporary shall observe setbacks and yards in accordance with the appropriate Form District standards. Additional standards may be included in the listed requirements for that use.

I. Request For A Conditional Use Permit - Application Procedures for Conditional Uses are listed in Chapter 11, Development Review Procedures; of the Land Development Code. Additional requirements for applications may be included in the listed requirements for that use.

J. The Board of Zoning Adjustment shall have jurisdiction to waive any of the General Provisions and shall have jurisdiction to determine the scope, intensity, and activities included on a property.

K. Conditional uses are allowed in certain zoning districts. Zoning districts that contain permitted uses from other zoning districts do not allow the same conditional uses (e.g. C-2 zoning district conditional uses are only applicable in the C-2 zoning district, not within the C-M or EZ-1 zoning district). Always check the conditional use list in Chapter 4 Part 2 to determine whether the particular zoning district allows that conditional use.

L. Before the Board shall release any bond or other assurances given by the applicant for a conditional use permit as provided in this section, the applicant shall file with the Board the following:

1. Sworn statement of the holder of the conditional use permit that all the requirements, conditions, and assurances which were included in the application have been met.
2. If the approval of a conditional use permit included or referred to any surveys, drawings, plans, or specifications which showed the existing, proposed, and ultimate development of the conditional use, the applicant shall file with the Board a written opinion, certified by a professional engineer registered in Kentucky, that all work, improvements and developments have been constructed or installed in conformity with the plans filed with the conditional use application. Copies of this information shall be forwarded to the Director of Public Works for his/her review and recommendation to the Board. In case of a conditional use permit allowing excavation and filling operations, there shall be filed with the Board a survey, certified by a professional engineer registered in Kentucky, showing the finished surface and indications showing the layer of clean earth which was installed and compacted over the fill when the

surface was brought to finished grade, in conformance with the approved plan. The indications shall be based on test hole borings taken no farther than 100 feet apart, starting no more than five feet inside and along the edges or boundaries of the fill.

3. A letter of recommendation to the Board from the Director of Works that all work, improvements or development are in conformity with his/her requirements, including a statement that he/she has reviewed the opinion of the engineer.

What are the regulations on boarding houses?

4.2.11 Boarding and Lodging Houses

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

A. Boarding 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 and lodging houses located in other districts shall have a maximum of 8 boarders.

B. All boarding 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 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 shelters or rehabilitation homes in its analysis of Conditional Use Permit applications for boarding and lodging houses.

H. The following information shall be for all boarding and lodging house Conditional Use Permit applications:

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 persons, 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 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 operator(s) of a boarding and lodging house shall maintain a registry of residents, which shall document the terms 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. 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 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.

Live/Work units

4.3.19 Live/Work Units

This use may be permitted outside a Planned Village Development or other special zoning district in accordance with the standards listed below. Regardless of the zoning district, Live/Work Units shall be considered a residential use.

A. The Live/Work Unit must be located in one of the following zoning districts: in Traditional Form Districts only, R-4, R-5, R5-A, R5-B; in all Form Districts, R-6, R-7, R-8A, OR, M-1, M-2, M-3, and EZ-1. Regardless of the zoning district, Live/Work Units shall be considered a residential use.

B. The Live/Work Unit must be owned or leased by an individual or group of individuals who will reside and work in the space.

C. The following commercial uses are permitted:

1. Arts and crafts studios, including painting, sculpture, printmaking, wood working, welding, open flame work, weaving and other fabric arts and crafts, ceramics, photography, film, video, photography, graphic design, jewelry, textiles, music production, and other forms of arts or crafts activities, including the culinary arts. The sale of products produced in the space, and the creation of public gallery or other retail space is expressly permitted for these arts and crafts activities only.

2. Professional services including accountants, architects, attorneys, consultants, engineers, home-based office workers, insurance, real estate and travel agents

3. One-on-one instructors

4. Computer software and multimedia professionals

D. Live/Work Units may consist of a single dwelling unit and related work space, including work space provided in an accessory building, or two or more dwelling units and related work spaces within a building or group of buildings on a property, within the density requirements of the underlying zoning district. Live/Work Units consisting of two or more dwelling units may

provide individual or shared work spaces, gallery and retail spaces for arts and crafts activities permitted in subsection C above in accessory buildings or in spaces not connected to residential areas.

E. An active license to conduct business within the jurisdiction shall be associated with the Live/Work Unit at all times, and proof of this license shall be presented as part of any application for live/work space under this section.

F. One parking space shall be provided for every dwelling unit created within the Live/Work Unit. Adjacent on-street parking spaces, garages, carports or driveways may be used to satisfy this requirement in accordance with Section 9.1.10 of this Code. In the event the Live/Work Unit includes gallery, display or retail space, additional parking shall be provided in accordance with the standards for Libraries, Museums, Art Galleries and similar uses contained in Section 9.1.9 of this Code. Where employees will work at the Live/Work Unit, one parking space per employee during the maximum shift shall be provided. Where clients/customers will come to the Live/Work Unit, parking shall be provided in accordance with the standards for General/Professional Office Use pursuant to Chapter 9 of this Code. Parking calculations for Live/Work Units shall be subject to the offstreet parking reductions contained in Chapter 9 of this Code.

G. In all cases, Live/Work Units must be used in a manner that minimizes impacts to adjacent property owners, including providing all necessary liability protections for the non-residential use, and that complies with all applicable provisions of the Louisville Metro Code of Ordinances and state law, including those pertaining to noise, odor and other nuisances.

