Louisville Metro Short Term Rental Regulations



DEVELOP LOUISVILLE LOUISVILLE FORWARD

What Is A Short Term Rental?



A short term rental is a rental of a residential dwelling unit for a period of less than 30 consecutive days.

Forms of Short Term Rentals

In general, short term rentals take the following forms:

Hosted home sharing

- There is a primary occupant of the dwelling
- The primary occupant resides in the dwelling with guests

Un-hosted home sharing

- There is a primary occupant of the dwelling
- The primary occupant vacates the dwelling while it is rented to guests

Dedicated short term rental

• There is not a primary occupant of the dwelling

Frequencies of Short Term Rentals

Short-term rentals vary in rental frequencies:

- Some homes are rented only for special occasions (i.e. the Kentucky Derby)
- Some homes are rented often but not continuously
- Some homes are rented continuously, in some cases available for rent all 365 days in a year

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Popular Online Platforms for Short Term Rentals





Popular Online Platforms for Short Term Rentals



airbnb.com (2016)

On September 9, 2016, in the Louisville area:

- 306 rentals were available for rental on airbnb.com for September 12, 2016:
 - 207 entire home
 - 145 private room
 - 5 shared room
- 34 rentals were available for rental on homeaway.com for September 12, 2016



Louisville Metro Short Term Rental Regulations

METRO CODE & LAND DEVELOPMENT CODE (LDC) PROVISIONS

Short Term Rental Ordinance Timeline

- <u>January 2015</u>: Develop Louisville began receiving complaints regarding unlawful short term rentals
- <u>March 2015</u>: Louisville Metro Council (LMC) passed a resolution requesting that staff evaluate whether or not the current laws, and enforcement thereof, adequately address short term rentals
- <u>December 2015</u>: LMC adopted an ordinance amending Metro Code to require hosts to register short term rentals annually, to provide standards for such rentals and to require the remittal of applicable taxes
- <u>December 2015</u>: LMC passed a resolution requesting that the Planning Commission, through its staff, research short term rentals and recommend LDC amendments
- <u>March 2016</u>: Planning Committee reviewed LDC amendments
- <u>April 2016</u>: Planning Commission reviewed LDC amendments
- <u>June 2016</u>: LMC adopted an ordinance amending the LDC to provide additional land use-related standards for short term rentals and the zoning processes for their approval
- <u>August 2016</u>: LMC adopted an ordinance amending the LDC to remedy inadvertent errors in the June 2016 ordinance
- <u>August 1, 2016</u>: Effective date of ordinances

Metro Code

Summary of Short Term Rental Rules

- Requires hosts to register short term rentals annually
- Defines short term rental and short term rental host
- Limits a dwelling unit to a single short term rental contract at a time
- Caps occupancy at 2 x the number of bedrooms plus 4
- Restricts the provision of meals by the host
- Requires the dwelling unit to have smoke detectors and a posted evacuation plan
- Prohibits outdoor signage which identifies the short term rental
- Requires that a person, located within 25 miles, be available to respond to and address any maintenance and safety issues
- Requires hosts to remit applicable taxes
- Provides penalties for non-compliance

Land Development Code Summary of Short Term Rental Rules

The ordinance addresses short term rentals in the following ways:

- Clarifies definitions
- Identifies appropriate locations and level of approval
- Provides required standards for all short term rentals

The term short term rental does not apply to hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging hotel rooms; therefore the regulations do not apply to those facilities.

The regulations do not supersede lease agreements, homeowner's association bylaws, covenants, deed restrictions, or any other agreement, law or regulation that prohibits subletting or use of a dwelling as a short term rental.

Land Development Code Short Term Rental Amendment Summary

At this time, the following cities that retain independent zoning authority have not adopted a zoning ordinance specifically addressing short term rentals:

Anchorage, Douglass Hills, Graymoor-Devondale, Hurstbourne, Indian Hills, Jeffersontown, Lyndon, Middletown, Prospect, Shively, St. Matthews & St. Regis Park.



Land Development Code Short Term Rental Amendment Summary

Permitted with Special Standards Requirement - approved administratively by the Planning Director after the host submits a registration form

- Any rental in a residential zoning district where the dwelling is the primary residence of the host
- Any rental in a commercial or office district and any rental in most special districts

Conditional Use Permit (CUP) Requirement - approved/denied at a public hearing by the BOZA after the host submits a CUP application

- Any rental in a residential zoning district where the dwelling is not the primary residence of the host
- Any rental in the TNZD (Old Louisville and Limerick)

Land Development Code Permitted Locations

OR, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, W-1, W-2, PVD, PTD & PRD:

• Regardless of residency of host, permitted with special standards

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:

- If residence of the host, permitted with special standards
- If not the residence of the host, may only be permitted with a CUP

TNZD:

• Regardless of residency of host, may only be permitted with a CUP

EZ-1, M-1, M-2, M-3, EZ-1, PRO, PEC & W-3:

• Regardless of residency of host, prohibited

Land Development Code

Provisions Applicable to All Short Term Rentals

- The maximum stay for a guest shall be 29 consecutive days
- Only a single short term rental contract at a time is permitted at any time
- At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals
- The dwelling unit shall be a single-family residence or duplex unless the dwelling unit is located on property zoned C-N, C-R, C-1, C-2 or C-3 and it meets all of the following criteria 1) the property is within 200' of a TARC route; 2) the property is within .75 miles of a public park; and 3) the property is within one mile of a National Register District or Local Preservation District (Note: This provision shall not be waived or adjusted)
- Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest
- Outdoor signage which identifies the short term rental is prohibited
- There shall be a sufficient amount of parking available for the host and guests. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated
- If the property is subject to 2 or more substantiated civil and/or criminal complaints, the BOZA/Planning Director may revoke the approval

Statistics

As of September 9, 2016:

66 OPEN COMPLAINTS

9 CONDITIONAL USE PERMIT PRE-APPLICATION FORMS SUBMITTED

36 REGISTRATION FORMS SUBMITTED



Louisville Metro Short Term Rental Regulations

CONDITIONAL USE PERMIT (CUP) PROCESS



CUP Application Requirements

At this time, CUP applications must be submitted at the office of Planning & Design Services. There is not an online option.

Please submit the completed application along with the following items:

Project application and description

- Land Development Report¹
- □ A copy of the current recorded deed² (must show "End of Document" stamp on last page)
- □ Legal description on a separate 8.5 x 11" sheet of paper
- Letter of explanation for the proposal (including owner occupations, number of dwelling units, and whether all or part of the dwelling will be rented)
- Completed Land Use Restrictions form
- Any additional documentation deemed necessary during the pre-application process
- Louisville Metro Revenue Account Number (if known)

Aerial Map/Site plan

 Aerial map or site plan of property showing current site conditions (LOJIC Map or applicable images if current conditions vary from available aerial depiction)

Mailing labels to notify Adjoining Property Owners (APOs)³

- Two sets of mailing label sheets for: 1st tier APOs; the Mayor and City Clerk of 5th and 6th class cities (if applicable); owner(s) of the property; and those listed on the application
- One copy of the APO mailing label sheets

Documentation of the Neighborhood Meeting⁴

- Copy of neighborhood meeting notice
- List of APOs and neighborhood group representatives who received the meeting notice
- Neighborhood meeting attendance sheet
- Summary of the meeting detailing specific items of concern and proposed resolutions

Fee (Cash, charge or check made payable to Planning & Design Services)

Application Fee: \$215.00
 Clerk's Fee: \$25.50
 (If two or more applications are submitted simultaneously for the same site, only one Clerk's Fee is required.)

CUP Process

There are currently 3 important differences to note between a short term rental CUP and another type of CUP:

- 1. To encourage compliance, the formal application fee has been reduced to \$215 until October 29, 2016 (normally \$1,000).
- 2. There is a special CUP application for short term rentals.
- 3. There is not a site plan requirement for the application.



Louisville Metro Short Term Rental Regulations

REGISTRATION PROCESS

Registering a Short Term Rental

- All hosts must register <u>each</u> of their short term rentals <u>annually</u>. There are no exemptions to this requirement.
- You can register a short term rental three ways:
 - In office
 - Bring the completed office form to Planning & Design, 444 S 5th St, 3rd Floor, Louisville KY 40202
 - Form must be accompanied by the \$25 fee (payable by cash, check, money order, VISA, MasterCard) and proof of residency (if applicable)
 - Mail
 - Mail the completed office form to Planning & Design, 444 S 5th St, Suite 300, Louisville KY 40202
 - Form must be accompanied by the \$25 fee (payable by check or money order only) and proof of residency (if applicable)
 - Online (using Louisville Metro's Online Business Portal)
 - Form must be accompanied by the \$25 fee (payable by VISA or MasterCard only) and proof of residency (if applicable)

Registration Form Requirements

- Property/Host Information
- \$25 Fee
- Proof of Residency (if applicable)
- Emergency Contact Info (if applicable)
- Revenue Commission ID#

The portal may be accessed via the Planning & Design Services and Construction Review pages on louisvilleky.gov or directly at: <u>https://dp.louisvillemsd.org/dpcdr8/Views/AgencyLogin.aspx</u> Registration Step #1: <u>Access</u>

Online

<u>Louisville</u> <u>Metro's</u> <u>Online</u> <u>Business</u> <u>Portal</u>







Healthy Babies Louisville Advises Parents How to Help Prevent Infant Deaths

City News

7 City Website Ranked Among Best in the Nation X

7 MPLX Terminals, LLC-Kramers Lane Terminal: Proposed FEDOOP Operating Permit O-0143-16-F

View All News

The New Dixie Highway Project Kicks Off

The New Dixie Highway project, a series of transit &



Online Registration Step #1: <u>Access</u> Louisville <u>Metro's</u> <u>Online</u> Business

To access the Planning & Design page, select See All City Departments under the Government tab. You can access the Construction Review page directly.

Portal



https://louisvilleky.gov/government/departments

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The portal may be accessed via the Planning & Design Services and Construction Review pages on louisvilleky.gov or directly at: https://dp.louisvillemsd.org/dpcdr8/Views/AgencyLogin.aspx

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To access the Construction Review page, select *Construction Review*. Health & Wellness Housing & Community Development Human Relations Commission Human Resources Information Technology Services Internal Audit Jefferson Memorial Forest Louisville Forward Management & Budget Mayor Greg Fischer Metro Council MetroCall 311 MetroSafe911 MetroTV. Office for Women Parking Authority (PARC) Parks & Innovation lanning & Design

> Public Works Records Management & Archives

The portal may be accessed via the Planning & Design Services and Construction Review pages on louisvilleky.gov or directly at: https://dp.louisvillemsd.org/dpcdr8/Views/AgencyLogin.aspx



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The portal may be accessed via the Planning & Design Services and Construction Review pages on louisvilleky.gov or directly at: https://dp.louisvillemsd.org/dpcdr8/Views/AgencyLogin.aspx



Online Registration Step #1:

> <u>Access</u> <u>Louisville</u> <u>Metro's</u> <u>Online</u> <u>Business</u> <u>Portal</u>

Planning & Design Page:

Select Short Term Rental Registration Information.



Government / See All City Departments / Planning & Design

Department Home

About Planning & Design Services

Boards, Commissions and Committees

Land Development Code

Comprehensive Plan



View meeting agendas



Learn more about the Comprehensive Plan update process



Short term Rental Registration Information FEEDBACK 🖵

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Department Home News

31 Mayor Fischer announces Comprehensive Plan update process

10L City proposes rules limiting biodigesters to industrial areas, away from homes, churches and schools

View All News

Applications

Stay up to date on planning and zoning

The portal may be accessed via the Planning & Design Services and Construction Review pages on louisvilleky.gov or directly at: https://dp.louisvillemsd.org/dpcdr8/Views/AgencyLogin.aspx



https://dp.louisvillemsd.org/dpcdr8/Views/AgencyLogin.aspx

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Online Registration Step #2:	 DynamicPortal 8 × → C A Description of the provided provide the provided pr	
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Online Registration **Step #4:**

Start application

Under the Apply menu options, select Apply for a **Business License**.



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Online Registration Step #5:

License Type

Within the License Type drop-down list, select Short Term Rental.



Online Registration Step #5 (continued):

License Type

Enter business information and select Next.

If you will not be operating the short term rental as a formal business, select None within the Business Type drop-down list; do not enter any information in the three info fields; and select Next.

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Online Registration Step #6:

Business Site Location

Enter the address of the Short Term Rental. Once entered, select *Search*.



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Online Registration Step #6 (continued):

Business Site Location

Select the correct location by clicking on the appropriate address.



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Address

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C Online Registration **Step #8:**

Additional Applicants

If applicable, enter additional contact information by selecting Add Contact.

Additional contacts include co-hosts, emergency contact persons and property owners.



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Online Registration Step #8 (continued):

Additional Applicants

Within the *Contact Type* drop-down list, select the contact type (i.e. Short Term Rental Host, Short Term Rental Emergency Contact or Owner), enter his or her info and select Search.

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Online Registration Step #8 (continued):

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Additional Applicants

Select the correct contact by clicking on the applicable name.

If the contact is not in the system, check Create New Contact As Entered and select Add Selected Contact.

Repeat this process for additional contacts.

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P DynamicPortal 8 × A https://dp.louisvillemsd.org/dpcdr8/Views/CDR/BusinessLicense/Intake/AdditionalApplicants.aspx C Online Registration DEVELOP LouisvilleKy.gov LOUISVILLE Step #8 LOUISVILLE FORWARD (continued): New Application for PAUL CDR Home **Business License Home** License **Business Site** Applicant Additional Details Attachments Application Information Type Location Applicants Confirmation MY ACCOUNT **Additional** Modify Account Additional Contacts APPLY If you do not wish to add additional contacts, click "Next" to proceed to next step. **Applicants** My Saved Applications To add additional contacts to this license: Apply Click "Add Contact" BUSINESS LICENSE Enter required contact information My Licenses Click "Search" After all additional REVIEWS Address Contact Type Name contacts have been My Reviews 444 S 5th St Short Term Rental Emergency Joseph Remove INSPECTIONS Haberman entered, select Contact

Add Contact

Previous

Next

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My Inspections

LOOKUP LICENSE License Number Applicant Address

FEES

My Fees

Next.



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Contact Us

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Online Registration **Step #9:**

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Application Confirmation

Confirm that entered information is correct. If correct, select Apply. If incorrect, edit as necessary using the appropriate Edit options.

Note: If you need to upload an attachment (i.e. proof of residency), before selecting Apply, select Edit next to No attachment uploaded.



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-> Online Registration **Step #10:**

Attachments

If you need to upload an attachment (i.e. proof of residency), select Choose File. Follow the file path and choose the file to be uploaded. After the file has been selected, select Upload.

Please provide attachments in pdf format when possible.

Select Summary to return to Application **Confirmation page** and confirm that information is correct. If correct, select Apply.

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Online Registration Step #11:

Pay the \$25.00 Fee

Select Add to Cart and then select Check Out.



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Remove Selected Fees

Cancel Next

Check box next to item description and select Next.

My Licenses

My Reviews

INSPECTIONS

My Inspections

REVIEWS

FEES My Fees LOOKUP LICENSE License Number Applicant Address

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\$3 0

APPRON

Amount

Subtotal: \$25.00

\$25.00

Contact Us

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Online Registration Step #11 (continued):

<u>Pay the</u> \$25.00 Fee

Enter payment information.

Please note that Visa and MasterCard are the only forms of accepted payment on the Online Portal at this time. DynamicPortal 8 × A https://dp.louisvillemsd.org/dpcdr8/Views/CDR/AgencyPayFee.aspx 53 9 0 Ξ C Contact Us DEVELOP APPR LouisvilleKy.gov LOUISVILLE LOUISVILLE FORWARD 署 1 items in My Cart \$25.00 Check Out Sign Out Payment CDR Home Enter the required payment information. **Business License Home** Click "Pay". MY ACCOUNT Subtotal: \$25.00 Modify Account od of Payment (Select one APPLY My Saved Applications Apply Pay By Credit Card(Visa or MasterCard) BUSINESS LICENSE Credit Card Information My Licenses REVIEWS Credit Card (Visa or MasterCard) VISA My Reviews Card Type:* -- Select Card Type -- V INSPECTIONS Cardholder First Name* My Inspections Cardholder Last Name* FEES **Pay Fees** Cardholder Address* My Fees Online LOOKUP LICENSE License Number Cardholder City Applicant Cardholder State Kentucky Address Cardholder Zip* Cardholder Country Card Number* Expiration Date:* -- • / ---- • Card Security Code:* Cancel Pay Copyright 2016. Infor. All rights reserved.

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After the Form is Submitted

- Staff will review the form and contact the applicant if a CUP application or additional information is necessary.
- If a CUP is not required, the registration process typically takes less than a week.
- Host will need to register with the Revenue Commission if not already registered.



Revenue Commission Form



ALC: NOT

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Click

Revenue Commission Home Forms & Publications Electronic Services Help/Resources FAQ Contact Us

Thank you for choosing on-line registration with the Louisville Metro Revenue Commission. It is important to ensure that all data entered is accurate before submitting your registration application. All data entered will be reviewed by the Louisville Metro Revenue Commission for compliance and accuracy before a new account is established. If all requirements are met for the business type being registered, an account will be established and a 'Certificate of Registration' will be forwarded to the primary mailing address entered. The 'Certificate of Registration' will contain the account number assigned to your business. If you do not receive a 'Certificate of Registration' within two (2) weeks, you may call Taxpayer Services at (502) 574-4860. Provide the Taxpayer Service Representative with the confirmation number provided at the end of your registration process.

Note: If you leave a screen idle for 1 hour, your session will expire. All data entered will be lost and you will have to START OVER.

Continue



Louisville Metro Revenue Commission oo P.O. Box 35410, Louisville, KY 40232-5410 oo 502-574-4860



How do I report an unlawful short term rental?

- You may report an unlawful short term rental, or any other violation, via the MetroCall 311 system.
- Failure to register is equivalent to operating without a permit and will result in enforcement action. Any person who violates any provision shall receive a notice of violation as a warning for a first offense. A second offense will be subject to a civil penalty of not less than \$100 and no more than \$500. A third offense will be subject to a civil penalty of not less than \$500 and no more than \$1,000. Each day that a violation continues after notice has been served shall be deemed a separate offense.