

Louisville Metro Land Development Code

Chapter 1 Part 2 Definitions

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words, and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

Assisted Living Residence/Community – ~~Assisted living residence/community means a~~ A series of living units on the same site certified by Commonwealth of Kentucky under KRS Section 194A.707 to provide services for five (5) or more adult persons not related within the third degree of consanguinity to the owner or manager. Assisted living communities are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 194A.

Bed and Breakfast Inn - The use of a residential structure as a small inn which provides no more than nine (9) guest rooms for hire to short term guests in which the only meal served to guests is breakfast, unless the ~~Bed and Breakfast Inn~~ has an additional food service license which allows other meals to be served. The innkeeper resides on the premises or property immediately adjacent to it during periods of occupancy, and the facility has a permit from the Kentucky Cabinet for Health and Family Services to operate as a Bed and Breakfast Inn bed and breakfast establishment. This term does not include hotels, motels, extended stay lodgings, short term rentals or boarding and lodging houses. A Bed and Breakfast Inn is not an Extended Stay Lodging facility, Hotel, Motel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code. Bed and breakfast establishments are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 219.

Boarder - A resident of a Boarding Home or Boarding House who does not require supervision or assistance related to medication, activities of daily living, or a supervised plan of care.

Boarding Home – As defined in KRS Section 216B.300, any home, facility, institution, lodging, or other establishment, however named, which accommodates three (3) or more adults not related by blood or marriage to the owner, operator, or manager, and which offers or holds itself out to offer room and board on a 24-hour basis for hire or compensation. It shall not include any facility which is otherwise licensed and regulated by the cabinet or any hotel as defined in KRS Section 219.011(3). Boarding Homes are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 216B. A Boarding Home as regulated by the Commonwealth of Kentucky may or may not be a Boarding House as regulated in this Land Development Code.

Boarding and Lodging House - ~~A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people. Meals may or may not be provided, but there exists one common kitchen facility. This term does not include hotels, motels, extended stay lodgings, short term rentals, nursing homes, or assisted living residences.~~ A dwelling unit in which a room(s) is rented to a Boarder(s) who is not a member of the Family for compensation. A Boarding House is not a Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, Transitional Housing, or any

other use more specifically defined in this Land Development Code. There are two classifications of Boarding Houses:

A. Residential Lodging House - A single-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms. A Residential Lodging House is a Boarding House that is owner-occupied and has five (5) or fewer guestrooms.

B. Commercial Boarding House - A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family dwelling. A Commercial Boarding House is a Boarding House that is either a) not owner-occupied or b) owner-occupied and contains more than five (5) guestrooms.

BOZA – Louisville Metro Board of Zoning Adjustment.

Commercial Boarding House – See Boarding House.

~~Community Residence~~ – A residence licensed by the Commonwealth of Kentucky, operated and maintained to provide a homelike setting for developmentally disabled individuals (see definition), having only one kitchen and only one dining area (both of which must be common to the residence), not adjacent to or part of an institutional campus, operated by a sponsoring agency or individual for individuals who shall participate in community activities and use community resources, where there are not more than eight persons who are not related to any other resident by blood, legal adoption or marriage.

~~Developmentally Disabled Individual~~ – An individual having a disability attributable to mental retardation, cerebral palsy, epilepsy, autism (or dyslexia resulting from these), or to any other conditions closely related to mental retardation in terms of intellectual and adaptive problems.

~~Dwelling~~ - A building or portion thereof designed and used exclusively for residential occupancy. ~~This term does not include hotels, motels or extended stay lodgings.~~

~~Dwelling Unit~~ - Either a single room or two (2) or more connected rooms used exclusively as a single unit and intended for occupancy for no less than ~~thirty (30)~~ consecutive days or more by one (1) family ~~Family~~, and providing complete, independent living facilities (which at a minimum includes permanent provisions for living, sleeping, eating, cooking, and sanitation which are accessed independently). Notwithstanding the provisions of this definition, where permitted, short term rentals may be occupied by more than one family and for less than 30 consecutive days. This term does not include ~~a~~ ~~H~~otel or ~~m~~otel rooms, ~~e~~ ~~E~~xtended ~~s~~ ~~S~~tay ~~l~~ ~~L~~odging facilities, ~~n~~ ~~N~~ursing ~~h~~ ~~H~~ome rooms, or ~~a~~ ~~A~~ssisted ~~l~~ ~~L~~iving ~~r~~ ~~R~~esidence units, or any other use more specifically defined in this Land Development Code.

~~Extended Stay Lodging~~ - Accommodations for persons away from their permanent place of residence, which are available on a daily or weekly basis and may include kitchen facilities. ~~This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.~~

Extended Stay Lodging is not a Bed and Breakfast Inn, Hotel, Motel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code.

Family - One (1) or more persons occupying premises and living as one (1) housekeeping unit, ~~and distinguished from a group occupying a boarding and lodging house, fraternity or sorority house, a club, hotel, or motel.~~

Family Care Home (Mini-Home) - A home licensed by the Commonwealth of Kentucky operated and maintained to provide 24 hour protection and personal care services for residential accommodations for three (3) individuals or less who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self-care elect or require a protective environment but do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required. Family Care Homes are further regulated by the Commonwealth of Kentucky pursuant to KRS Chapter 216.

Home for the Infirm and Aged - Any institution, however named, maintained for the care or treatment of individuals unrelated to the owner or operator, who by reason of their age, infirmity, acute, or chronic illness, or by reason of physical or mental handicap require more care than does a normal person.

Homeless Shelter - ~~Any~~ facility the primary purpose of which is to provide temporary shelter and living quarters for the homeless. The facility provides overnight sleeping accommodations with or without charge; and may provide meals and /or ancillary social, educational, or health services. The facility is staffed.

Hotel - A building used for temporary fee-based occupancy of a room or suite of rooms and which contains no fewer than six (6) such separate rooms or suites and which has a registration desk. ~~This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.~~ A Hotel is not a Bed and Breakfast Inn, Extended Stay Lodging facility, Motel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code.

KAR – Kentucky Administrative Regulations.

KRS – Kentucky Revised Statutes.

LMCO – Louisville Metro Code of Ordinances.

Motel -An establishment consisting of a group of attached or detached lodging units having bathrooms, used as individual sleeping units for ~~ten~~ 10 or more persons, designed primarily for transient automobile travelers, and providing for accessory off-street parking facilities convenient to the lodging rooms and

which may include one dwelling unit for a bona fide caretaker or operator. The term includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms. ~~This term does not include short term rentals, boarding and lodging houses, nursing homes or assisted living residences.~~ A Motel is not a Bed and Breakfast Inn, Extended Stay Lodging facility, Hotel, Short Term Rental, or any other transient use more specifically defined in this Land Development Code.

Nursing Home -Any institution, however named, licensed by the Commonwealth of Kentucky, maintained for the care or treatment of two (2) or more individuals unrelated to the owner or operator or their spouses, employing nursing services or procedures in the care for such residents, that require treatment, judgment, technical knowledge, and skills beyond that which the untrained person possesses, where there are more than five (5) persons who are not related to any other resident by blood, legal adoption, or marriage.

Person with a Disability - A person with a physical, emotional, or mental disability, including but not limited, ~~to mental retardation~~ an intellectual disability, cerebral palsy, epilepsy, autism, deafness or hard of hearing, sight impairments, and orthopedic impairments, but not including convicted felons or misdemeanants on probation or parole or receiving supervision or rehabilitation services as a result of their prior conviction, or mentally ill persons who have ~~pleaded~~ pled guilty but mentally ill to a crime or not guilty by reason of insanity to a crime. "Person with a Disability" does not include persons with current, illegal use of ~~or addiction to~~ alcohol or any controlled substance as regulated under KRS Chapter 218A.

Rehabilitation Home - A building or group of buildings providing residence for persons ~~recovering from the effects of~~ receiving supervised medical or professional care for drug or alcohol abuse; or psychiatric disorders and/or required to stay at the subject facility as a condition of their parole ~~or probation for a past conviction~~. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and ~~generally~~ have 24-hour-a-day supervision. A ~~Rehabilitation Home~~ Rehabilitation Home is not ~~transitional housing~~ a Boarding House, Family Care Home, Homeless Shelter, Residential Care Facility, Transitional Housing, or any other use more specifically defined in this Land Development Code. ~~This definition does not apply to residential care facilities regulated by KRS 100.982. This~~ In addition, this term does not include uses that provide medical care that are more specifically defined in this Land Development Code, such as ~~hospitals and medical clinics,~~ a Hospital, Medical Clinic, or Nursing Home.

Residential Lodging House – See Boarding House.

Residential Care Facility - A residence, authorized or licensed by the Commonwealth of Kentucky, operated and maintained by a sponsoring private or governmental agency to provide services in a homelike setting for persons with disabilities. Residential Care Facilities are further regulated by KRS Sections 100.982 to 100.984.

Residential Use – Uses associated with permanent residential occupancy in the form of a dwelling unit (permanent means for at least 30 days in duration). ~~Specific uses such as bed and breakfasts, boarding and lodging houses, hotels, motels, and extended stay facilities~~ Bed and Breakfast Inns, Hotels, Motels,

and Extended Stay Lodging facilities, where stays can be less than 30 days in duration, shall be considered commercial uses.

Short Term Rental - A ~~Dwelling~~ Unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. ~~This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.~~ A Short Term Rental is not a Bed and Breakfast Inn, Extended Stay Lodging facility, Hotel, Motel, or any other transient use more specifically defined in this Land Development Code.

Transitional Housing - A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help ~~persons~~ them achieve personal independence. Staff is available as needed. Transitional ~~h~~ Housing is not a ~~rehabilitation home~~ a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383 (KRS 383.500 et seq.).

Chapter 2 Part 2 Residential Zoning Districts

2.3.2 R-E Residential Estate District

A. Permitted Uses:

~~Community residences~~

2.2.3 R-1 Residential Single Family District

A. Permitted Uses:

~~Community residences~~

2.2.8 U-N Urban Neighborhood District

A. Permitted Uses:

~~Community residences~~

Chapter 2 Part 3 Office/Residential Zoning Districts

2.3.2 OR-1 Office/Residential District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

2.3.3 OR-2 Office/Residential District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

2.3.4 OR-3 Office/Residential District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

2.3.5 OTF Office/Tourist Facility District

A. Permitted Uses:

~~Boarding and lodging houses~~

~~Community residences~~

Chapter 2 Part 4 Commercial Zoning Districts

2.4.1 C-N Neighborhood Commercial District

A. Permitted Uses:

~~Community residences~~

2.4.3 C-1 Commercial District

The following provisions shall apply in the C-1 Commercial District unless ~~other-wise~~ otherwise provided in these regulations:

A. Permitted Uses:

Boarding and lodging houses

Community residences

Note: C-1 Uses are permitted in C-2, C-3, C-M, EZ-1, PEC, PVD (Village Center), Old Louisville/Limerick TNZD (Neighborhood Transition Center, Neighborhood Center, and Neighborhood Center Transition: Edge Transition)

Chapter 2 Part 7 Planning Village Development

2.7.1 Planned Village Development (PVD) District

C. Development Guidelines and Standards.

4. Land Use.

The table below (Table 2.7.1) lists the uses permitted within a village. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Master Plan. Subsequent requests for limited uses shall require amendment of the Master Plan and shall be reviewed according to D.2. of this Section. PSS means the use may be permitted with special standards pursuant to Chapter 4, Part 3 of ~~the~~ this Land Development Code. X means the use is not permitted. ~~No~~ A permitted use or limited use shall not be required to secure a conditional use permit. For others listed in Chapter 4, Part 2 of ~~the~~ this Land Development Code as Conditional Uses, an applicant may apply for and obtain a conditional use permit ~~provided the private covenants, declarations or restriction of the association of property owners do not forbid the conditional use applied for.~~

Table 2.7.1.

	Village Edge	Village General	Village Center
RESIDENTIAL USE			

Detached dwelling	P	P	P
Semi-detached dwelling	X	P	P
Attached dwelling	X	P	P
Two-family dwelling	X	P	P
Multi-family dwelling	X	P	P
Accessory apartment	P	P*	P
Live/work unit	X	L**	P
<u>Boarding House</u> <u>(Residential Lodging House</u> <u>and Commercial Boarding</u> <u>House)</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Residential Care Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
Short term rental	PSS	PSS	PSS
LODGING USE			
Bed and breakfast inn	L	L	P
Hotel	X	X	P

CIVIC USE			

Community residence	L	L	L
Convents and monasteries	L	L	L

Family care home	P	P	P
Nursing homes and homes for the infirm and aged	L	L	L

2.7.2 Planned Transit Development (PTD) District

E. Development Standards

2. Land Use

- a. PTD District Land Use Table. The following table below lists the uses permitted within a PTD. P means the use is permitted, subject to design standards and location standards where noted. L means the use is limited. Limited uses must be approved by the Planning Commission at the time of approval of the Detailed Development Plan. PSS means the use may be permitted with special standards pursuant to Chapter 4, Part 3 of the this Land Development Code. X means the use is not permitted. ~~No~~ A permitted use or limited use shall not be required to secure a conditional use permit. For others listed in Chapter 4, Part 2 of this Land Development Code as Conditional Uses, an applicant may apply for and obtain a conditional use permit. Hours of operation of proposed uses shall be established in the Master Plan.

PTD District Land Use Table

"PTD" Permitted Uses	Transit District Center	Transit District Transition
RESIDENTIAL		
Duplex / Two-family dwellings Dwellings, two-family	X	P
Multiple Multi-family dwellings	P	P
Single family dwelling	X	X
Boarding House (Residential Lodging House and Commercial Boarding House)	X	L
Residential Care Facility	P	P
Short Term Rental	PSS	PSS
Transitional Housing	PSS/CUP	PSS/CUP
LODGING USE		
Boarding and Lodging Houses	X	L
Extended stay lodging		
Hotel	P	P

CIVIC USE		
Churches, parish halls, synagogues, temples, convents, and monasteries	L	P

Community residence	P	P

Family care home (mini-home)	P	P

Nursing homes and homes for the infirm and aged	X	P

Homes for the infirm and aged	X	P

2.7.4 Traditional Neighborhood Zoning District – General Provisions

B. Development Guidelines and Standards

2. TNZD Components.

TNZD Land Use Table

The following table lists the uses permitted within TNZD. “P” means the use is permitted, subject to design standards and location standards where noted. “P/M” means the use is permitted where mapped. Mapped uses recognize historic uses of lots or, in the case of vacant development sites, an appropriate compatible use. “X” means the use is not permitted. PS means the use is permitted with special standards in accordance with Chapter 4, Part 3 of this Land Development Code. P/CU means the use may be permitted as a Conditional Use in accordance with Chapter 4, Part 2 of this Land Development Code. No ~~permitted~~ use listed as P or PM ~~use permitted where mapped~~ shall be required to secure a conditional use permit.

Land Use Category	Neighborhood General	Neighborhood Transition-Center	Neighborhood Center
<i>Residential Uses</i>			
<u>Dwellings</u> , Single Family Residential – One dwelling unit per lot*	P	P	X
<u>Dwellings</u> , Two-family Residential*	P	P	P
<u>Dwellings</u> , Multi-family Residential	P/M	P	P
Garages and Accessory Residential Units (Carriage Houses)	P	P	P

<u>Residential Lodging House (4 or Fewer Boarders)</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>
<u>Boarding House - Residential Lodging House (5 or more Boarders) and Commercial Boarding House</u>	<u>X</u>	<u>PS</u>	<u>PS</u>
<u>Homeless Shelter</u>	<u>P/CU</u>	<u>PS or P/CU</u>	<u>PS or P/CU</u>
<u>Rehabilitation Home</u>	<u>P/CU</u>	<u>P/CU</u>	<u>P/CU</u>
<u>Residential Care Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
Short Term Rental	P/CU	P/CU	P/CU
<u>Transitional Housing</u>	<u>PS or P/CU</u>	<u>PS or P/CU</u>	<u>PS or P/CU</u>

<i>Institutional Uses</i>			

Fraternities and Sororities	X	X	X

<i>Other Uses</i>			
Bed and Breakfast Inn Establishments	P/CU	P/CU	P/CU

2.7.5 Traditional Neighborhood Zoning District – Old Louisville/Limerick

A. TNZD Land Use Tables

Symbol	Meaning
P	The described use is permitted, subject to design and location standards where noted.
P/M	The described use is permitted where mapped. Mapped uses recognize traditional uses of structures existing on each lot pursuant to KRS 100.201(3) or, in the case of vacant development sites, appropriate compatible uses.
NP	The use is not permitted.
P/CU	The use is may be permitted as a Conditional Use in accordance with Chapter 11 Part 5A Chapter 4, Part 2 of the LDC this Land Development Code .
PS	The use is permitted with special standards in accordance with Chapter 4, Part 3 or Chapter 11 of the LDC this Land Development Code .
NA	Not applicable, since commercial uses are permitted in the Neighborhood Transition-Center, Neighborhood Center, Neighborhood Center Transition: Edge Transition, and Neighborhood General Campus Edge Transition.
P/M or P/CU	The use is permitted where mapped but newly established uses are permitted as a Conditional Use.
*	Plus one dwelling unit in the accessory structure area.
**	Uses are permitted at ground level facing the street only where shown as Street Front Commercial on the TNZD Plan Map. These uses shall not exceed 25% of the total area mapped as Street Front Commercial.

Table 2-7.4 2.7.5: Table 1 Old Louisville/Limerick TNZD Land Uses – General

TNZD Land Use Category	Neighborhood General	Neighborhood Transition-Center	Neighborhood Center	Neighborhood Center Transition: Edge Transition	Neighborhood General Campus Edge Transition	LDC Section Providing Special or Conditional Use Standards
<i>Residential Uses</i>						
Dwellings, single family – one dwelling unit per lot*	P	P	NP	P	NP	n/a
Dwellings, two-family*	P	P	P	P	NP	n/a
Dwellings, multi-family	P/M	P	P	P	P	n/a
Residential Lodging House (4 or fewer	PSS	PSS	PSS	PSS	PSS	4.3.24

<u>Boarders)</u>						
<u>Boarding House - Residential Lodging House (5 or more Boarders) and Commercial Boarding House</u>	NP	P/CU	P/CU	NP	NP	4.2.11
Garages and accessory residential units (Carriage Houses)	P	P	P	P	NP	n/a
Home occupations	PS	PS	PS	PS	NP	4.4.5
Homeless shelters	P/CU	PS or P/CU	PS or P/CU	P/CU	P/CU	4.2.56 & 4.3.13
Live / work units	NP	PS	PS	PS	PS	4.3.19
<u>Rehabilitation Home</u>	P/CU	4.2.31				
<u>Transitional H Housing</u>	PS or P/CU	4.3.14 and 4.2.55				
<u>Short Term Rental</u>	P/CU	4.2.63				

<i>Institutional Uses</i>						
Family care homes (mini-homes)	NP	P	P	P	NP	n/a
Fraternities and sororities	NP	P	P	P	NP	n/a

<i>Other Uses</i>						
Bed and B <u>Breakfasts Inns</u>	P/CU	PS	P/CU	P/CU	NP	4.2.9
<u>Nursing Home and Home for the Infirm and Aged</u>	P/CU	4.2.38				

Table 2.7.5 2.7.5: Table 2 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood General

Table 2.7.6 2.7.5: Table 3 Old Louisville/Limerick TNZD – Uses Permitted with ~~With~~ Special Standards in the Neighborhood General

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the this Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>

Table 2.7.7 2.7.5: Table 4 Old Louisville/Limerick TNZD – Uses Permitted Where Mapped in the Neighborhood General

Table 2.7.8 2.7.5: Table 5 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood General

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 4.2.56 of the this Land Development Code.
Rehabilitation Homes	Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.
Transitional Housing	Transitional housing as permitted by Section 4.3.14 4.2.55 of the this Land Development Code.
Short Term Rentals	Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.
<i>Other Uses</i>	
Bed & Breakfasts Inns	Bed and b Breakfasts Inns as permitted by Section 4.2.9 of the this Land Development Code.
Nursing Homes and Homes for the Infirm and Aged	Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.

Table 2.7.9 2.7.5: Table 6 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood Transition—Center

Table 2.7.10 2.7.5: Table 7 Old Louisville/Limerick TNZD – Uses Permitted ~~with~~ With Special Standards in the Neighborhood Transition-Center

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the this Land Development Code.
Homeless Shelters	Homeless Shelters as permitted by Section 4.3.13 of this Land Development Code.
Live / work units	Live / work units as permitted by Section 4.3.19 of the this Land Development Code.
Residential Lodging Houses with 4 or Fewer Boarders	Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.
Transitional Housing	Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.
<i>Other Uses</i>	
Bed and b Breakfasts Inns	Bed and b Breakfasts Inns as permitted by Section 4.2.9 of the this Land Development Code.

Table 2.7.11 2.7.5: Table 8 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood Transition—Center

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
Boarding Houses - Residential Lodging Houses with 5 or More Boarders and Commercial	Boarding Houses as permitted by Section 4.2.11 of this Land Development Code.

<u>Boarding Houses</u>	
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 4.2.56 of the this Land Development Code.
<u>Rehabilitation Homes</u>	<u>Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.</u>
Transitional Housing	Transitional h Housing as permitted by Section 4.3.14 4.2.55 of the this Land Development Code.
<u>Short Term Rentals</u>	<u>Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.</u>

<i>Other Uses</i>	

<u>Nursing Homes and Homes for the Infirm and Aged</u>	<u>Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.</u>

Table 2.7.12 2.7.5: Table 9 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood Center

Table 2.7.13 2.7.5: Table 10 Old Louisville/Limerick TNZD – Uses Permitted ~~with~~ With Special Standards in the Neighborhood Center

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the this Land Development Code.
<u>Homeless Shelters</u>	<u>Homeless Shelters as permitted by Section 4.3.13 of this Land Development Code.</u>
Live / work units	Live / work units as permitted by Section 4.3.19 of the this Land Development Code.
<u>Residential Lodging Houses with 4 or Fewer Boarders</u>	<u>Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.</u>
<u>Transitional Housing</u>	<u>Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.</u>

Table 2.7.14 2.7.5: Table 11 Old Louisville/Limerick TNZD – Uses Permitted Where Mapped in the Neighborhood Center

Table 2.7.15 2.7.5: Table 12 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood Center

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
<u>Boarding Houses - Residential Lodging Houses with 5 or More Boarders and Commercial Boarding Houses</u>	<u>Boarding Houses as permitted by Section 4.2.11 of this Land Development Code.</u>
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 4.2.56 of the this Land Development Code.
<u>Rehabilitation Homes</u>	<u>Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.</u>
Transitional Housing	Transitional h Housing as permitted by Section 4.3.14 4.2.55 of the this Land Development Code.
<u>Short Term Rentals</u>	<u>Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.</u>
<i>Other Uses</i>	
Bed & <u>and</u> Breakfast Inns	Bed and b Breakfasts <u>Inns</u> as permitted by Section 4.2.9 of the this Land Development Code.

Nursing Homes and Homes for the Infirm and Aged	Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.

Table 2.7.16 2.7.5: Table 13 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood Center Transition: Edge Transition

Table 2.7.17 2.7.5: Table 14 Old Louisville/Limerick TNZD – Uses Permitted With Special Standards in the Neighborhood Center Transition: Edge Transition

Land Use Category	Description Permitted Uses
<i>Residential Uses</i>	
Home Occupations	Home Occupations as permitted by Section 4.4.5 of the this Land Development Code.
Live / work units	Live / work units as permitted by Section 4.3.19 of the this Land Development Code.
Residential Lodging Houses with 4 or Fewer Boarders	Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.
Transitional Housing	Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.

Table 2.7.18 2.7.5: Table 15 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood Center Transition: Edge Transition

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 4.2.56 of the this Land Development Code.
Rehabilitation Homes	Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.
Transitional Housing	Transitional housing as permitted by Section 4.3.14 4.2.55 of the this Land Development Code.
Short Term Rentals	Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.
<i>Other Uses</i>	
Bed & and Breakfast Inns	Bed and b Breakfasts Inns as permitted by Section 4.2.9 of the this Land Development Code.

Nursing Homes and Homes for the Infirm and Aged	Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.

Table 2.7.19 2.7.5: Table 16 Old Louisville/Limerick TNZD – Uses Permitted in the Neighborhood General Campus Edge Transition

Table 2.7.20 2.7.5: Table 17 Old Louisville/Limerick TNZD – Uses Permitted ~~With~~ [with](#) Special Standards in the Neighborhood General Campus Edge Transition

Land Use Category	Description of Permitted Uses
<i>Residential Uses</i>	
Live / work units	Live / work units as permitted by Section 4.3.19 of the this Land Development Code.

Residential Lodging Houses with 4 or Fewer Boarders	Residential Lodging Houses as permitted by Section 4.3.24 of this Land Development Code.
Transitional Housing	Transitional Housing as permitted by Section 4.3.14 of this Land Development Code.

Table 2.7.21 2.7.5: Table 18 Old Louisville/Limerick TNZD – Uses Permitted as Conditional Uses in the Neighborhood General Campus Edge Transition

Land Use Category	Description of Uses Permitted as Conditional Uses
<i>Residential Uses</i>	
Homeless Shelters	Homeless s Shelters as permitted by Section 4.3.13 4.2.56 of the this Land Development Code.
Rehabilitation Homes	Rehabilitation Homes as permitted by Section 4.2.31 of this Land Development Code.
Transitional Housing	Transitional h Housing as permitted by Section 4.3.14 4.2.55 of the this Land Development Code.
Short Term Rentals	Short Term Rentals as permitted by Section 4.2.63 of this Land Development Code.
<i>Other Uses</i>	

Nursing Homes and Homes for the Infirm and Aged	Nursing Homes and Homes for the Infirm and Aged as permitted by Section 4.2.38 of this Land Development Code.

4.2.1 Intent and Applicability

Section	Conditional Use

4.2.11	Boarding and Lodging Houses House in a Residential or Traditional Neighborhood Zoning District

4.2.31	Rehabilitation Home

4.2.55	Transitional Housing
4.2.56	Homeless Shelter

Chapter 4 Part 2 Conditional Uses

4.2.11 Boarding ~~and Lodging Houses~~ [in a Residential or Traditional Neighborhood Zoning District](#)

Boarding ~~and lodging h~~ Houses may be allowed in the 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 \(Neighborhood Transition-Center\)](#) districts upon the granting of a Conditional Use Permit and compliance with the following requirements. [This section does not apply to any Residential Lodging House that may be permitted with special standards pursuant to Section 4.3.24 of this Land Development Code.](#)

- A. [A Boarding House in a single-family residential zoning district \(R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N\) shall have a maximum of four \(4\) Boarders. A Boarding House in a multi-family residential zoning district \(R-5A, R-5B, R-6, R-7, or R-8A\) or TNZD \(Neighborhood Center/Neighborhood Transition-](#)

Center only) shall have a maximum of eight (8) Boarders. In a Boarding House that is owner-occupied, the owner and members of his or her Family shall not be considered Boarders. 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 ~~b~~ A Boarding and lodging h Houses additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the administrative and maintenance requirements established standards for the operation of a Boarding Home, including but not limited to those provided in 902 KAR 20:350, only applicable when meals are served at the facility and KRS Chapter 216B.
- C. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.
- D. A Boarding House is for non-transient occupancy. The minimum intended stay for any Boarder shall be at least 30 consecutive days.
- E. A Boarding House may have a Boarder who manages the property and/or supervises the other Boarders on behalf of the property owner and/or operator. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.
- F. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.
- ~~C. G. Boarding and lodging houses shall not have any signage which identifies the use. There shall not be any outdoor signage which identifies the Boarding House use.~~
- ~~D. H. A Boarding and lodging h Houses shall be in a location located on or near a collector or arterial street with reasonable access to public transportation.~~
- ~~E. I. Sufficient on-site parking shall be provided as required by the Land Development Code. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted.~~
- ~~F. All boarding and lodging houses shall comply with applicable building code and health department regulations.~~
- G. J. The When reviewing a conditional use permit application for a Commercial Boarding House, the Board of Zoning Adjustment BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood 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. The property on which a Commercial Boarding House is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.
- K. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- H. L. For a complete application submittal for a Boarding House conditional use permit, in addition to the documentation required of all conditional use permit applications, the The following additional information shall be for all boarding and lodging house Conditional Use Permit applications provided:
 - 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 of any building subject to the use (showing the location and dimensions of all bedrooms); and
 3. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved;
 4. The maximum number of Boarders; and
 - ~~3.~~ 5. 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 In the event a conditional use permit for a Boarding House is approved, any change 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 must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.
- ~~I.~~ M. The operator(s) of a b Boarding and lodging h House shall maintain a registry of residents Boarders, which shall document the terms of stay of each resident Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of residents Boarders residing in the b Boarding and lodging h House at a given time and whether or not a term of stay is temporary or permanent transient or not. 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.~~ N. A No b Boarding and lodging h House shall not operate until it has received been issued a license pursuant to Louisville Metro Code of Ordinances Section LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.
- ~~M.~~ O. Unlawful operation Operation of a b Boarding and lodging h House without the required conditional use permit and/or license may constitute grounds for denial of a related Conditional Use Permit an after-the-fact conditional use permit application for the Boarding House by the Board of Zoning Adjustment BOZA.
- P. If a Boarding House with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- P. An active license of the Boarding House, as required by LMCO Chapter 115, shall be maintained. No boarding may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a

change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Boarding House use, a new conditional use permit must be granted if required.

4.2.31 Rehabilitation Home

Rehabilitation ~~H~~ Homes may be allowed in any zoning district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Nonresidential uses and services, excluding those that are accessory to the Rehabilitation Home use, shall not be carried out unless otherwise permitted and approved as a separate use.
- C. When reviewing a conditional use permit application for a Rehabilitation Home, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Rehabilitation Home is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.
- D. A Rehabilitation Home shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- E. A Rehabilitation Home shall provide appropriate 24-hour supervision of its residents and adequate support services for its residents.
- F. Additional Residential Zoning District Standards:
 - 1. A Rehabilitation Home in a single-family residential zoning district (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N) shall have a maximum of four (4) residents. The maximum number of residents of a Rehabilitation Home in a multi-family residential zoning district (R-5A, R-5B, R-6, R-7, or R-8A) shall be determined by the BOZA.
 - A- ~~2. Any building in which the Rehabilitation Home use is situated shall be residential in design and appearance. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.~~
 - B- ~~3. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to established residential uses or zoning districts shall increase side yards by 10 feet for each story over two (2).~~
 - C- ~~4. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.~~
 - D- ~~5. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.~~
- G. Additional Nonresidential Zoning District Standards:
 - 1. The maximum number of residents of a Rehabilitation Home in a nonresidential zoning district shall be determined by the BOZA.
 - 2. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.

3. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.

~~E. The shall add any additional restrictions necessary to mitigate nuisances or adverse effects.~~

H. For a complete application submittal for any Rehabilitation Home conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;
2. The maximum number of residents/beds;
3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);
4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and
5. Rules of conduct and management plan.

In the event a conditional use permit for a Rehabilitation Home is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

I. If a Rehabilitation Home with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

J. An active license of the Rehabilitation Home, as required by LMCO Chapter 115, shall be maintained. No such housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Rehabilitation Home use, a new conditional use permit must be granted if required.

4.2.55 Transitional Housing ~~may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.~~

Transitional Housing may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements. This section does not apply to any Transitional Housing that may be permitted with special standards pursuant to Section 4.3.14 of this Land Development Code.

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Transitional Housing shall be a temporary housing arrangement for its residents, with stays generally being less than two (2) years. Such housing is intended to serve residents as they transition into permanent housing.
- C. Transitional Housing shall have supervision of its residents, as well as structure and support services for its residents. Nonresidential uses and services that are not accessory to the Transitional Housing use shall not be carried out unless otherwise permitted and approved as a separate use. Transitional housing that serves as recovery housing should follow best practice industry standards and operational rules such as the National Alliance for Recovery Residences (NARR) standards.

- D. When reviewing a conditional use permit application for Transitional Housing, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Transitional Housing is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.
- E. Transitional Housing shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- ~~A. Conditional Use Standards – General (all districts)~~
- F. 1. No building shall be closer than 30 feet to a property line unless required to by a form district maximum setback or build-to-line.
- ~~G. 2. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.~~
- ~~H. 3. Signage for transitional housing shall be in accordance with chapter 8 of the LDC for nonresidential uses. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.~~
- ~~4. The Board of Zoning Adjustments shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for transitional housing.~~
- ~~5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~
- ~~6. For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.~~
- I. B. Conditional Use Standards – Single Family Zoning Districts Only: Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N):
- ~~1. Signs – There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.~~
- ~~2. 1. Residential Structure – The structure~~ Any building shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
- ~~3. 2. Alterations or Improvements to the Structure –~~ Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
- ~~4. 3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).~~
- J. For a complete application submittal for any Transitional Housing conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:
1. Type of resident population to be served, if any;
2. The proposed maximum number of residents/beds;
3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);

4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will be adapted to meet all applicable building codes for the use if approved; and

5. Rules of conduct and management plan.

In the event a conditional use permit for a Transitional Housing is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

- K. If Transitional Housing with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- L. An active license of the Transitional Housing, as required by LMCO Chapter 115, shall be maintained. No transitional housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change of ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Transitional Housing use, a new conditional use permit must be granted if required.

4.2.56 Homeless Shelter ~~may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements.~~

A Homeless Shelter may be allowed in any zoning district upon the granting of a conditional use permit and compliance with the listed requirements. This section does not apply to any Homeless Shelter that may be permitted with special standards pursuant to Section 4.3.13 of this Land Development Code.

~~A. Conditional Use Standards—General—All Zoning Districts~~

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Nonresidential uses and services, excluding those that are accessory to the Homeless Shelter use, shall not be carried out unless otherwise permitted and approved as a separate use.
- C. When reviewing a conditional use permit application for Homeless Shelter, the BOZA shall consider the number and/or location of other Homeless Shelters, Rehabilitation Homes, and Transitional Housing in the immediate vicinity.
- D. A Homeless Shelter shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- E. ~~1-~~ The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted ~~Parking spaces shall be determined by the board of zoning~~ based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
- F. ~~2-~~ Signage for ~~homeless shelters shall be the use is permitted~~ in accordance with ~~Chapter 8 of the LDC for nonresidential uses~~ this Land Development Code. The BOZA may further restrict signage if warranted.
- ~~3.—The board of zoning shall take into account the location of other transitional housing, homeless shelter or rehabilitation home in its analysis of conditional use permit application for a transitional housing facility.~~

4. ~~All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~
5. ~~For conversion of existing structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for Compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.~~

G. B. Conditional Use Standards – Single Family Zoning Districts only Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N):

1. ~~Signs—There shall be allowed one non illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.~~
2. 1. Residential Structure— Any building ~~The structure~~ shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
3. ~~2. Alterations or Improvements to the Structure—~~ Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
4. 3. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

H. For a complete application submittal for any Homeless Shelter conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;
2. The proposed maximum number of occupants/beds;
3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);
4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will adapted to meet all applicable building codes for the use if approved; and
5. Rules of conduct and management plan.

In the event a conditional use permit for a Homeless Shelter is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

I. A Homeless Shelter shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.

Chapter 4 Part 3 Permitted Uses with Special Standards

4.3.13 Homeless Shelters (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, TNZD)

~~Homeless Shelters may be permitted within the~~ In a 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-M, EZ-1, PRO, PEC ~~and or~~ TNZD (~~a~~ Neighborhood ~~e~~ Center, ~~a~~ Neighborhood ~~t~~ Transition ~~e~~ Center, and ~~for~~ multi-family residential where mapped areas) ~~zoning districts, a Homeless Shelter is permitted with the special standards set forth in this section. A Homeless Shelter not meeting the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.56 of this Land Development Code.~~

~~A. Special Standards—General—All Zoning Districts~~

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Nonresidential uses and services, excluding those that are accessory to the Homeless Shelter use, shall not be carried out unless otherwise permitted and approved as a separate use.
- C. A Homeless Shelter shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- D. 1. Density—The In the R-5A, R-6, R-7, R-8A, OR, OR-1, OR-2, C-R, C-N, C-1, PRO, PEC, and TNZD districts, the maximum density (number of beds) ~~for homeless shelters~~ shall be ~~based on the maximum~~ density of the applicable zoning district ~~(as provided in Chapter 2 of this Land Development Code)~~ multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky ~~rounded to the nearest whole number.~~ ([Example: The R-5A zoning district has a maximum density of 12.01 units per acre, The average family size in the 2010 census was 2.98. Therefore, the maximum number of beds in the R-5A district is 35.79 beds per acre (multiply the 12.01 by 3 x 2.98 = 35.79).] (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03). ~~Exception: Within single-family zoning districts the number of beds permitted is limited to three or less.~~ In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 ~~zoning~~ districts, the maximum density (number of beds) shall be no more than 400 beds per acre.
- E. 2.—The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle, and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.
- F. 3.—Signage In the R-5A, R-6, R-7, R-8A zoning districts, ~~signage for homeless shelters within a multifamily residential zoning district~~ shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district, all signs shall be in accordance with the requirements of ~~Chapter 8 of the this~~ Chapter 8 of this Land Development Code ~~for non-residential signage.~~
- G. 4.— ~~Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation. A Homeless Shelter shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.~~
- ~~5. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~
- H. 6.—Emergencies/White Flag Days— During white flag days and other emergency situations, additional occupants beyond the bed capacity established by the maximum density set forth in D. shall be permitted for the duration of the emergency or white flag event as long as all safety standards (e.g. Fire Code) are maintained.

4.3.14 Transitional Housing

Transitional Housing may be permitted within 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, PTD and TNZD (All areas where residential use is permitted) ~~zoning~~ districts. Transitional Housing not meeting the special standards set forth in this section may be eligible to be approved with a conditional use permit pursuant to Section 4.2.55 of this Land Development Code.

~~A. Special Standards—General—All Zoning Districts~~

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Transitional Housing shall be a temporary housing arrangement for its residents, with stays generally being less than two (2) years. Such housing is intended to serve residents as they transition into permanent housing.
- C. Transitional Housing shall have supervision, as well as structure and support services for its residents. Nonresidential uses and services that are not accessory to the Transitional Housing use shall not be carried out unless otherwise permitted and approved as a separate use. Transitional housing that serves as recovery housing should follow best practice industry standards and operational rules such as the National Alliance for Recovery Residences (NARR) standards.
- D. Transitional Housing shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- E. 1.—Density— The maximum density for Transitional Housing facilities constructed as dwelling units shall ~~have a~~ be the maximum density ~~based on the density~~ of the applicable zoning district (~~dwelling units per acre as provided in Chapter 2 of this Land Development Code~~). The maximum density for ~~Transitional Housing facilities (not constructed as dwelling units)~~ Transitional Housing facilities shall be ~~based on the~~ maximum density of the applicable zoning district dwelling units per acre (as provided in Chapter 2 of this Land Development Code) multiplied by the average family size obtained from the most recent decennial census for Jefferson County, Kentucky ~~rounded to the nearest whole number~~. The resulting number would be the maximum number of beds for a facility. ~~(Example: The R-5A zoning district has a maximum density of 12.01 units per acre. The average family size in the 2010 census was 2.98. Therefore, the maximum number of beds in the R-5A district is 35.79 beds per acre (multiply the 12.01 by 3 x 2.98 = 35.79). (average family size established by the 2000 census was 2.97) and that will give you the maximum beds per acre as 36.03).~~ Exceptions: Within single family In the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts, the number of beds permitted is limited to three (3) or less. In the OR-3, OTF, C-2, C-3, C-M, and EZ-1 zoning districts the maximum density (number of beds) shall be no more than 400 beds per acre.
- F. 2- The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. ~~Parking spaces shall be determined by the planning director based on the number of employees, the number of residents with a motor vehicle and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.~~
- G. 3. Signage for transitional housing within a ~~single family residential or multifamily residential zoning R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, or R-8A~~ district shall be limited to a 12 square foot freestanding sign not to exceed six (6) feet in height unless within the Downtown form district in which case a 12 square foot attached sign shall be allowed. If located within any other zoning district, all signs shall be in accordance with the requirements of chapter 8 of ~~the~~ this Land Development Code.
- ~~4.—Shall be certified as compliant with any licensing provisions adopted in the Louisville Metro Code of Ordinances. New facilities must obtain certification within one year of land use approval. All facilities must remain in compliant status with the licensing provisions while in operation.~~
- ~~5.—All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.~~
- H. B.—Special Standards—Single Family Residential Districts Only Additional Single-Family Residential Zoning District Standards (R-R, R-E, R-1, R-2, R-3, R-4, R-5, R- 5B, U-N):
- ~~1.—Signs— There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.~~

- 2- ~~1. Residential Structure– Any building~~ ~~The structure~~ shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with other residential architecture in the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.
- 3- ~~2. Alterations or Improvements to the Structure–~~ Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
- 4- ~~3. Off-street parking not located within a drive-way~~ shall be located to the side or rear of the building(s).

I. A Transitional Housing facility shall not operate without a license issued pursuant to LMCO Chapter 115 and, if required, any registration or license from the Commonwealth of Kentucky.

4.3.24 Residential Lodging House with Four or Fewer Boarders in a Residential or Traditional Neighborhood Zoning District (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)

In a 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 or TNZD district, a Residential Lodging House with four (4) or fewer Boarders, excluding the owner and his or her family, is permitted with the special standards set forth in this section.

- A. The dwelling unit shall be owner-occupied and the primary residence of the property owner.
- B. The Boarding House shall be a single-family detached dwelling.
- C. A Boarding House additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the standards for the operation of a Boarding Home, including those provided in 902 KAR 20:350 and KRS Chapter 216B.
- D. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.
- E. A Boarding House is for non-transient occupancy. The minimum intended stay for any occupant shall be at least 30 consecutive days.
- F. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.
- G. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.
- H. There shall not be any outdoor signage which identifies the Boarding House use.
- I. The owner of the Boarding House shall maintain a registry of Boarders, which shall document the terms of stay of each Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of Boarders residing in the Boarding House at a given time and whether a term of stay is transient or not. 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. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws.
- K. A Boarding House shall not operate until it has been issued a license pursuant to LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.

4.3.25 Residential Lodging House or Commercial Boarding House in a Nonresidential Zoning District (OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, PEC)

In an OR-1, OR-2, OR-3, OTF, C-1, C-2, C-3, C-M, EZ-1, or PEC district, a Residential Lodging House or Commercial Boarding House with eight (8) or fewer Boarders, excluding the owner and his or her family if applicable, is permitted with special standards set forth in this section.

- A. A Boarding House additionally classified as a Boarding Home by Kentucky Revised Statutes and/or Kentucky Administrative Regulations shall comply with the standards for the operation of a Boarding Home, including those provided in 902 KAR 20:350 and KRS Chapter 216B.
- B. Each Boarder shall have his or her own bedroom. Any such bedroom shall meet the current dimensional requirements and occupancy limitations set forth in LMCO Section 156.103.
- C. A Boarding House is for non-transient occupancy. The minimum intended stay for any occupant shall be at least 30 consecutive days.
- D. A Boarding House may have a Boarder who manages the property and/or supervises the other Boarders on behalf of the property owner and/or operator. There shall not be any non-resident employee that works within the dwelling, with an exception for employees that report to the property temporarily to address management or emergency issues.
- E. A Boarding House is a residential use. Nonresidential uses and services, including those that may be accessory, shall not be carried out within the dwelling unless otherwise permitted and approved as a separate use.
- F. Signage shall be in compliance with LMCO Chapter 155 and Chapter 8 of this Land Development Code.
- G. The owner of the Boarding House shall maintain a registry of Boarders, which shall document the terms of stay of each Boarder. This registry shall be made available for inspection by a Zoning or Code Enforcement Officer in order to determine the total number of Boarders residing in the Boarding House at a given time and whether a term of stay is transient or not. 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. A Boarding House shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws.
- K. A Boarding House shall not operate until it has been issued a license pursuant to LMCO Chapter 115 and, if required, a registration or license from the Commonwealth of Kentucky pursuant to KRS Chapter 216B.

Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use

GENERAL ACTIVITIES (LBCS Code)	SPECIFIC ACTIVITIES (LBCS Code)	MINIMUM REQUIREMENT	MAXIMUM REQUIREMENT

Institutional Living (1300)	Dormitories, Fraternities, Sororities, Boarding House, Transitional Housing, Rehabilitation Home, Homeless Shelter	Suburban Form: 1 per 4 residents (capacity) Traditional Form: 1 per 6 residents (capacity)	Suburban Form 1 per resident (capacity) Traditional Form 1 per 2 residents (capacity)

Louisville Metro Code of Ordinances

Boarding Houses, Homeless Shelters, Rehabilitation Homes, and Transitional Housing Facilities

§ 115.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDRESS. The physical location/address of a person or entity. It may not be a P.O. Box address.

~~BOARDING AND LODGING HOUSE.~~ A dwelling unit ~~where for compensation and by prearrangement rooms are provided for no more than eight people, meals may or may not be provided, but there exists one common kitchen facility~~ in which a room(s) is rented to a boarder(s) who is not a member of the family for compensation. ~~This term does not apply to hotel, motel, extended stay lodging facilities, short term rental facilities, nursing home rooms, or assisted living units.~~ A Boarding House is not a Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, Transitional Housing, or any other use more specifically defined in this section or the Land Development Code. There are two classifications of Boarding Houses:

(1) **RESIDENTIAL LODGING HOUSE.** A single-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms. A Residential Lodging House is a Boarding House that is owner-occupied and has five (5) or fewer guestrooms. A residential lodging house with more than five boarders is prohibited.

(2) **COMMERCIAL BOARDING HOUSE.** A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family dwelling. A Commercial Boarding House is a Boarding House that is either a) not owner-occupied or b) owner-occupied and contains more than five (5) guestrooms. A commercial boarding house with more than eight boarders is prohibited.

CAMPUS. ~~Shelters~~ Homeless Shelters located on contiguous lots that are operated by the same operator.

CRIMINAL RECORD CHECK. A criminal record check performed by the Kentucky Administrative Office of the Courts for records of criminal actions in Kentucky.

~~**DEPARTMENT OF PUBLIC HEALTH AND WELLNESS.** The Louisville Metro Department of Public Health and Wellness.~~

DIRECTOR. The Director of the Louisville Metro Department of Codes and Regulations.

HOMELESS or HOMELESS INDIVIDUAL OR PERSON. An individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is:

- (1) A supervised publicly or privately operated homeless shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or
- (2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

HOMELESS SHELTER. A facility the primary purpose of which is to provide temporary shelter and living quarters for the homeless. The facility provides overnight sleeping accommodations with or without charge; and may provide meals and or ancillary social, educational, or health services. The facility is staffed. No facility that is operated by the American Red Cross or other like entities to accommodate disaster victims who are left homeless due to events such as fires, flood, or hazardous materials releases that is operated under the Louisville/Jefferson County Emergency Operations Plan is included.

OPERATOR. The person or group that runs transitional housing or a homeless shelter or boarding and lodging house.

REHABILITATION HOME. A building or group of buildings providing residence for persons receiving supervised medical or professional care for drug or alcohol abuse or psychiatric disorders and/or required to stay at the subject facility as a condition of their parole for a past conviction. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and have 24-hour-a-day supervision. A Rehabilitation Home is not a Boarding House, Family Care Home, Homeless Shelter, Residential Care Facility, Transitional Housing, or any other use more specifically defined in this section and/or the Land Development Code. In addition, this term does not include uses that provide medical care that are more specifically defined in the Land Development Code, such as a Hospital, Medical Clinic, or Nursing Home.

RESIDENT. A person properly registered or signed into a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility for overnight occupancy that uses any or all of the services of ~~a shelter~~ such facility.

~~**SHELTER.** Transitional housing or a homeless shelter or boarding and lodging house.~~

TRANSITIONAL HOUSING FACILITY. A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help ~~persons~~ them achieve personal independence. Staff is available as needed. Transitional ~~h~~ Housing is not a ~~rehabilitation home (as defined in the Land Development Code)~~ a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this section or the Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383 (KRS 383.500 et seq.).

TUBERCULIN SKIN TEST (TST). The Tuberculin Skin Test, referred to herein as TST, is performed by injecting a small amount of tuberculin purified protein derivative into the inner surface of the forearm. The test is read at a later date to determine whether a person has been infected with tuberculosis.

§ 115.002 ANNUAL LICENSE REQUIRED; POSTING OF LICENSE.

(A) No person, firm, or corporation shall own or operate a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility on any premises within Jefferson County unless an annual license for ~~the~~ its operation ~~of a shelter~~ has been applied for and issued by the Director or his or her designee for the premises and the license remains in effect in conformity with the provisions of this subchapter.

- (B) Any license issued under this subchapter shall be valid from the date of issuance until the next occurring September 1st, whether or not the next occurring September 1st is within the same calendar year as the grant of the license, unless the license has been suspended or revoked.
- (C) Each owner or operator of a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility licensed under this subchapter shall post the operator's license, in a conspicuous place at or near the entrance to such ~~shelter~~ facility so that it may be easily read at any time.
- (D) Application for renewal of a license for a Homeless Shelter, Rehabilitation Home, or Transitional Housing facility shall be made at least 90 days, ~~but not before 210 days,~~ before the expiration of the current license. Application for renewal of a license for a Boarding House shall be made at least 30 days before the expiration of the current license.
- (E) If the renewal application and/or the annual fee are not tendered in a timely fashion, the Director shall serve notice to the operator that the failure to submit the renewal application and/or the annual fee within ten business days will be deemed an abandonment of the license as of the above-referenced renewal deadline. Service of the notice required by this section shall be deemed complete upon certified mailing, return receipt requested, or personal delivery.

§ 115.003 ANNUAL APPLICATION FOR LICENSE; INVESTIGATION; FEE.

- (A) Each annual application to the Director for a license to operate a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility shall be in writing, notarized, and shall be in the form prescribed by the Director. The application, at a minimum, shall set forth:
 - (1) The name, address, ~~and~~ phone number, and email address of the applicant;
 - (2) The names, addresses, and phone numbers of the principal officers, if the applicant is a corporation;
 - (3) The designation of a registered office and registered agent (who regularly works at the registered office) located in Jefferson County, Kentucky which registered agent shall be its representative for the service of process or notice under this subchapter;
 - (4) The location for which the permit is desired;
 - (5) If the applicant is not the owner of record of the real property on which the ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility is located or to be located, the application shall include the name and address of the owner of record of the real property, and a copy of lease or other agreement authorizing use of the property by applicant;
 - (6) The names, addresses, and ~~a copy~~ copies of ~~a~~ government issued identification cards of all ~~shelter~~ Homeless Shelter, Rehabilitation Home, or Transitional Housing facility employees known as of the date of application;
 - (7) For Homeless Shelters, have ~~Have~~ a criminal record check performed on any owner, officer, director, or employee having direct contact with a child at the shelter;
 - (8) For Homeless Shelters, Rehabilitation Homes, and Transitional Housing Facilities, provide ~~Provide~~ a statement that ~~the shelter~~ facility maintains on site the social security number, or a complete set of finger-prints for all owners, officers, and employees, and a current list of its board of directors with their mailing address and other contact information; and
 - (9) For Homeless Shelters, provide ~~The~~ notarized statements of all owners, officers, directors, and employees that have direct contact with a child at the shelter that each does not have a criminal record involving a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any violation of this ordinance.
 - (10) Boarding ~~and lodging house~~ House applications shall provide the following additional information:

- (a) Resident/client profile, if applicable, (population to be served) and a statement as to whether or not convicted felons and/or registered sex offenders may be accepted as residents;
 - (b) Site plan and floor plans of any building subject to the use (showing the location and dimensions of all bedrooms);
 - (c) Rules of conduct and ~~business~~ management plan; ~~and~~
 - (d) ~~Support services to be provided and projected staffing level, if any; and~~ The maximum number of Boarders; and
 - ~~(e) Proposed maximum stay for each resident.~~
 - (e) Documentation showing compliance with Revenue Commission requirements.
- (11) This licensure requirement shall apply in addition to licensure of boarding ~~and lodging house~~ home licensed by the Commonwealth of Kentucky under KRS ~~21B.305 et seq~~ Chapter 216B.
- (B) A nonrefundable fee of \$100 shall accompany the application for a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility. A nonrefundable fee of \$150 shall accompany the application for a campus for a Homeless Shelter.
- (C) ~~(1)~~ An annual application for a license must be made for each separate Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility ~~shelter~~ or campus.
- ~~(2)~~ (1) When a ~~n~~ complete application is received by the Director, the Director or his or her designee shall refer a copy of the application to the appropriate Metro Government agencies, which shall within ten business days of their receipt of the license application cause the facilities to be inspected to determine if the facilities meet the zoning, health, sanitation, structural, fire, property maintenance and fire safety requirements set out in any applicable state and local laws, and report such information to the Director within ten business days of such inspection.
- (a) A food establishment inspection shall not be required at the time of application ~~for a shelter license~~ if the Department of Public Health and Wellness conducted such an inspection at the ~~shelter~~ location within the six months prior to the application, or if the ~~shelter~~ facility does not have commercial cooking facilities. The Department of Public Health and Wellness will advise the Director in writing as to whether a food establishment inspection is required for the ~~shelter license~~ application.
- (D) A license to operate a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility shall be issued to the applicant by the Director within ~~ten business~~ 14 days after receipt of the inspection reports required by subsection (C) above, ~~if the application is fully and accurately completed and~~ if the required inspections reveal that the ~~shelter~~ facility meets the zoning, health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws as may be amended from time to time. However, no license shall be issued by the Director if ~~any one of the following is found to be true:~~
- (1) The applicant or any of its owners, officers, directors, or employees that have direct contact with a child at the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility ~~will check to confirm that a criminal record is not had involving~~ has a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any violation of this ordinance; or
 - (2) An applicant is delinquent in the payment to Metro Government of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility; or
 - (3) The license fee required by subsection (B) above has not been paid; or
 - (4) The proposed Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility is located in a zoning district that does not permit ~~other than a district in which shelters are~~ the

use or does not have an approved conditional use permit if required ~~allowed to operate under the applicable zoning regulations of Metro Government;~~ or

(5) The applicant's premises have been found by the Director to not be in compliance with laws or regulations of any applicable federal, state, or local governments.

(E) A license to operate a Boarding House shall be issued to the applicant by the Director within 14 days after receipt of all inspection reports required by subsection (C) above, if the required inspections reveal that the facility meets the zoning, health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws. However, no license shall be issued by the Director if:

(1) The applicant's premises have been found by the Director to not be in compliance with laws or regulations of any applicable federal, state, or local governments; or

(2) The license fee required by subsection (B) above has not been paid; or

(3) The proposed Boarding House is located in a zoning district that does not permit the use or does not have an approved conditional use permit if required.

~~(E)~~ (F) In the event of denial, the Director shall notify the applicant in writing of the reasons for such denial. Said notice shall be mailed, certified mail, return receipt requested, within ten business days after the Director receives the inspection reports required by subsection (C) above.

~~(F)~~ (G) In the event the inspection required by this section is not completed within the time frame set forth in subsection (C) hereof or if the Director fails to notify the applicant in writing of the reasons for denial of the application in the manner prescribed in subsection (E) hereof, then the application will be deemed to be granted and the ~~shelter~~ facility authorized to operate until such time as all required inspections have been completed, the Director has received the required reports, and the applicant receives notice of the Director's decision on the application by certified mail, return receipt requested.

§ 115.004 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, food sanitation, health and sanitation, fire, electrical, plumbing, mechanical, reporting the dependency, abuse or neglect of minor children, and other applicable laws.

§ 115.005 DUTIES OF OPERATOR.

(A) In addition to being in compliance with any currently applicable laws and regulations of the federal, state, or local governments required by § 115.004, it shall be the duty of the operator of a Homeless ~~S~~ Shelter, Rehabilitation Home, or Transitional Housing Facility licensed under this subchapter to:

(1) Maintain the health and safety standards set out herein or in any currently applicable laws or regulations of the federal, state, or local governments as may be amended from time to time;

(2) Have a criminal record check performed on all employees having direct contact with a child at the Homeless ~~S~~ Shelter, Rehabilitation Home, or Transitional Housing Facility prior to such employee's performing duties for the Homeless ~~S~~ Shelter, Rehabilitation Home, or Transitional Housing Facility, and annually thereafter;

(3) Have a criminal record check performed on all volunteers having direct contact with a child at the Homeless ~~S~~ Shelter, Rehabilitation Home, or Transitional Housing Facility within one week of the volunteer first volunteering for the Homeless ~~S~~ Shelter, Rehabilitation Home, or Transitional Housing Facility, and annually thereafter;

- (4) Require all employees and volunteers, that have regular and ongoing direct contact with residents, to provide the Homeless § Shelter, Rehabilitation Home, or Transitional Housing Facility with a tuberculosis medical clearance card issued by a licensed medical professional within seven days of the employee's or volunteer's first working day at a shelter, and a one step TST annually thereafter;
- (5) Require all new residents at a Homeless § Shelter, Rehabilitation Home, or Transitional Housing Facility, within seven days of admission, and annually thereafter, to provide the shelter with a tuberculosis medical clearance card issued by a licensed medical professional;
- (6) Maintain a confidential central file of the tuberculosis medical clearance cards for all employees, volunteers, and residents as required by subsections (A)(4) and (A)(5);
- (7) Provide and have available for review by any employee, volunteer, or resident, educational materials about tuberculosis;
- (8) The rate of ventilation at a Homeless § Shelter, Rehabilitation Home, or Transitional Housing Facility should be at or above 25 cubic feet of outside air per minute per person to assist in the prevention of transmission of tuberculosis;
- (9) Refer any employee, volunteer, or resident suspected of having a communicable disease to the appropriate medical authority for testing;
- (10) Provide and have available for review, by any employee, volunteer, or resident, educational materials regarding communicable diseases and precautions to be taken to protect the employee, volunteer, and ~~shelter~~ residents;
- (11) Maintain a written and posted first aid and cardiopulmonary resuscitation ("CPR") policy, including having:
 - (a) At least one person trained and currently certified in first aid and CPR on duty on each shift; and
 - (b) All certifications of employees or volunteers for first aid and CPR shall be kept on file for inspection by the Department of Public Health and Wellness; and
 - (c) Adequate and available medical supplies for first aid and CPR.
- (12) Provide written policies and procedures on the handling of prescription or over-the-counter drugs, including controls and/or limitations on access to prescription and over-the-counter drugs kept in the Homeless § Shelter, Rehabilitation Home, or Transitional Housing Facility;
- (13) Maintain sanitary conditions in the Homeless § Shelter, Rehabilitation Home, or Transitional Housing Facility;
- (14) Maintain all mattresses and box springs with a water resistant encasing protective cover that will resist tearing and can be wiped thoroughly with a disinfectant cleaner before use by any other residents;
- (15) Post a clearly marked evacuation plan that is approved by the appropriate Fire Department or Fire District official in areas available to both Homeless § Shelter, Rehabilitation Home, or Transitional Housing Facility staff and residents, and keep a copy of the plan on file;
- (16) Provide services to all individuals within Jefferson County free from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation;
- (17) Allow residents access to restrooms during Homeless § Shelter hours of operation; and
- (18) If required, have and maintain a Kentucky food establishment permit and have received a passing score on their most recent inspection.
- ~~(19) Boarding and lodging houses shall not have any signage which identifies the use.~~
- ~~(20) Boarding and lodging houses shall be located on or near a collector or arterial street with reasonable access to public transportation.~~

~~(21) Boarding and lodging houses shall provide sufficient on-site parking as required by the Land Development Code.~~

(22) (19) The new owner of a ~~shelter, including a boarding and lodging house,~~ facility must file the registration statement within ten days of a change of ownership and/or acquiring title to the shelter.

(23) Subsections (A)(4) through (A)~~(7)(15) and (A)(9) through (A)(12)~~ of this section shall not apply to ~~boarding and lodging houses~~ Boarding Houses.

§ 115.006 RIGHT OF ENTRY TO INSPECT.

Any peace officer, Code Enforcement Officer, Zoning Enforcement Officer, Fire Department or Fire District official, the Department of Public Health and Wellness, and any other appropriate investigating officials of the Metro Government, shall have the right to enter any portion of a ~~shelter's~~ premises on which a Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility is located during regular business hours ~~where shelter residents and employees are permitted~~ for the purpose of making reasonable inspections and determining compliance with zoning, health, sanitation, structural, electrical, plumbing, fire, property maintenance, and safety regulations, as well as all other provisions of law or regulations.

§ 115.007 TRANSFER OF LICENSE.

- (A) No ~~shelter~~ license shall be transferable except with the written approval of the Director. The application for such a transfer shall be in writing and shall contain the same information required for the initial application for such a license.
- (B) The application procedure shall be the same as outlined in § 115.003. A \$100 transfer fee shall be charged for each such license transfer.
- (C) In the event of denial, notification and reasons for denial shall be given to the applicant in the manner provided by § 115.003. A denial of a transfer may be appealed in the same manner as the denial of an application for an original shelter license.

§ 115.008 DENIAL OF APPLICATION FOR A NEW LICENSE.

- (A) In the event the Director denies a license application for a new ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility, the Director shall advise the applicant of his or her decision, and the reasons therefore, by certified letter, return receipt requested, sent to the most current address listed in the affected operator's file. Such denial of an application for a new ~~shelter~~ license shall include information regarding the right to appeal the decision. The applicant affected by the denial of a new permit license shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying him or her in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final. When the Director denies an application for a license application for a new ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility, the applicant shall not operate as a ~~shelter~~ such a facility until either the Code Enforcement Board or a court of competent jurisdiction so orders. ~~Notwithstanding the preceding sentence, all homeless shelters and transitional housing facilities in existence and in operation on the effective date of this subchapter shall be issued an initial license for a term in accordance with § 115.002(B).~~
- (B) When the Director receives a notice of an appeal, he or she shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The

appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

- (C) At the hearing on the new license denial, the appellant shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.
- (D) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Jefferson Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

§ 115.009 REVOCATION, SUSPENSION, OR DENIAL OF THE TRANSFER OF A LICENSE.

- (A) In the event the Director has reason to believe that a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility is operating in violation of this subchapter, or that the transfer of a license would create a violation of this subchapter, the Director shall provide written notice to the operator that the ~~shelter~~ license is suspended, revoked, or denied a transfer. The written notice shall include the reasons for the revocation, suspension, or denial of a transfer, and shall be sent by certified letter, return receipt requested, to the most current address listed in the affected operator's file. Such notice shall include information regarding the right to appeal the decision. Any decision by the Director to suspend, revoke, or deny the transfer of any license issued hereunder shall remain in abeyance until all appeals are exhausted or the time for filing the initial appeal from the Director's decision under subsection (B) hereof has expired.
- (B) Upon receipt of a decision from the Director to suspend, revoke, or deny the transfer of a license, the operator affected thereby shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying the Director in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final.
- (C) When the Director receives a notice of an appeal, the Director shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.
- (D) At the hearing on any license suspension, revocation, or denial of license transfer, the operator shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.
- (E) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Jefferson Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

§ 115.010 ENFORCEMENT.

- (A) In addition to the penalties provided in § 115.999(L), the Director is authorized to enforce the provisions of this chapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.
- (B) The Director has the authority to issue rules and regulations for the implementation of this subchapter. Written notice of the issuance of any rules and/or regulations concerning the implementation of this subchapter shall be sent by first class mail to all active license holders ten days prior to the date they become effective. The rules and regulations shall be available to the public through the Department of Codes and Regulations and online at the Louisville Metro website.

§ 115.999 PENALTY.

(L)

- (1) Any person ~~who operates a shelter without a license as provided in~~ or entity who violates any provision of §§ 115.001 through 115.010 shall be issued a citation by an enforcement officer ~~Enforcement Officer~~ designated by the Director, and. If the facility is not licensed as required in §§ 115.001 through 115.010, the citation shall include an ~~ordered~~ to cease operations until a valid license is obtained. If the facility is licensed pursuant to §§ 115.001 through 115.010, the citation shall include an order to cease operations until compliance with the violation is obtained. A first offense will be subject to a civil penalty of \$125 as imposed by an Enforcement Officer. A second offense will be subject to a civil penalty of \$250 as imposed by an Enforcement Officer. A third offense will be subject to a civil penalty of \$500 as imposed by an Enforcement Officer. Any additional offense beyond the third offense will be subject to a civil penalty of \$1,000 as imposed by an Enforcement Officer. Each day that a violation continues after separate notice has been served shall be deemed a separate offense. Any person who receives a citation may appeal the violation to the Code Enforcement Board. Enforcement of violations shall occur in accordance with §§ 32.275 et seq., in administrative proceedings before the Louisville Metro Code Enforcement Board, which shall be authorized to impose an administrative penalty of not less than \$500, nor more than \$1,000, per day for each day that a shelter is operated without a valid license. Each day of such violation(s) shall constitute a separate offense.
- (2) ~~Any person licensed to operate a shelter who violates the provisions of §§ 115.001 through 115.010 shall be subject to having the license revoked, and may be fined not less than \$100, nor more than \$1,000, per offense. Each day of such violation(s) shall constitute a separate offense. In addition to the penalties provided herein, the Director is authorized to pursue remedial civil actions for violations of §§ 115.001 through 115.010 by civil complaint or petition for injunctive relief, declaration of rights or other appropriate proceedings filed in the Jefferson County, Kentucky Circuit Court.~~