



Louisville Metro Government

Legislation Text

File #: O-306-16, Version: 2

ORDINANCE NO. _____, SERIES 2016

AN ORDINANCE AMENDING SECTION 4.2.61 OF THE LAND DEVELOPMENT CODE TO INCLUDE WITHIN THE LIST OF USES PERMITTED IN CERTAIN ZONING DISTRICTS BY CONDITIONAL USE PERMIT THE SHORT TERM RENTAL OF A CONDOMINIUM UNIT WHERE THE SUBJECT CONDOMINIUM UNIT IS THE PRIMARY RESIDENCE OF THE HOST-APPLICABLE SECTIONS ARE MORE SPECIFICALLY SET FORTH BELOW IN EXHIBIT A (CASE NO. 16AMEND1002)(AS AMENDED).

SPONSORED BY: Councilwoman Julie Denton

WHEREAS, the Planning Commission held a public hearing on April 11, 2016 to consider an amendment to the Land Development Code (“LDC”) to define and regulate short term rentals of dwelling units; and

WHEREAS, the Metro Council, after considering for several months zoning regulations related to short term rentals of dwellings in Louisville Metro, passed Ordinance No. 100, Series 2016 on June 23, 2016; and

WHEREAS, the Metro Council, based on the public record established before the Planning Commission on April 11, 2016, which included the Commission’s findings and recommendations, together with any and all related testimony and deliberation regarding the short term rental of dwelling units taken and conducted at the Metro Council after the Commission forwarded its recommendation to the Metro Council, including relevant Council committee discussions, now wishes to further consider LDC Section 4.2.61 to include the short term rental of a condominium unit where the subject condominium unit is the primary residence of the host, as defined by the Land Development Code; and

WHEREAS, the Metro Council believes those residents who own a condominium unit and who

use said condominium unit as their primary residence should also be permitted to make available, upon the granting of a conditional use permit, their residence for short term rental, subject to evidence that shows the applicable condominium association which governs the horizontal property regime wherein the condominium unit is located has taken action to approve the short term rental of the subject condominium; and

WHEREAS, the Metro Council still concurs in the findings and recommendations of the Planning Commission in Case No. 16AMEND1002, as reflected in those Planning Commission's minutes and records, and wishes to amend LDC Section 4.2.61 to include within the list of uses permitted in certain zoning districts by conditional use permit the short term rental of condominium units where the subject condominium units are the primary residences of the hosts, as more specifically set forth in Exhibit A attached hereto;

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

Section I: The Metro Council hereby adopts the amendments to section 4.2.61 of the Land Development Code as specifically set forth in Exhibit A attached hereto based on the cumulative evidence, testimony and discussions contained in the minutes and records of the Planning Commission in Case No. 16AMEND1002, dated April 11, 2016, as well as any and all related testimony and deliberation regarding short term rental of dwelling units taken at the Metro Council after the Commission forwarded its recommendation to the Council, including applicable Council committee discussions.

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

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

EXHIBIT A

4.2.1 Intent and Applicability

Certain land uses due to their extent, nature of operation, limited application, or relationship to natural resources are considered as exceptional cases. The uses listed in this Part may be permitted in certain districts by Conditional Use Permit following a public hearing before the Board of Zoning Adjustment provided such uses will not have an adverse effect on neighboring property, are not in conflict with the goals and plan elements of the Comprehensive Plan, the proposed uses are essential to or will promote the public health, safety, and the general welfare in one or more zones, and are in compliance with the listed standards and requirements.

The following uses are subject to the Conditional Use Permit process:

Section Conditional Use

* * * *

4.2.61 Short Term Rental of a dwelling unit that is not the primary residence of the host or the short term rental of a condominium unit that is the primary residence of the host 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 or R-8A district and Short Term Rental of any dwelling unit in a TNZD district or dwelling unit that is the primary residence of the host.

A short term rental of dwelling unit that is not the primary residence of the host or the short term rental of a condominium unit that is the primary residence of the host 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 or R-8A district and a short term rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following requirements:

- A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.
- B. The dwelling unit shall be limited to a single short term rental contract at a time.
- C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus four individuals.
- D. The dwelling unit shall be a single-family residence or duplex or a condominium unit. If the short term rental is a condominium unit, the condominium must be the primary residence of the host. All conditional use permit applications for the short term rental of a condominium unit

shall include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. This evidence shall be provided either in the form of minutes from an officially called meeting of the applicable condominium association board wherein all condominium owners were notified that short term rental of the subject condominium would be discussed and a majority of the board members voted in favor of permitting/allowing the short term rental of the subject condominium. or, in the alternative, where no official meeting of the condominium association board has taken place, a resolution in unanimous support, signed by all board members, permitting the short term rental of the subject condominium unit. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the conditional use permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

- E. Food and alcoholic beverages shall not be served or otherwise provided by the host to any guest.
- F. Outdoor signage which identifies the short term rental is prohibited.
- G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity. Any parking surface that is added to accommodate the short term rental use shall be removed when the short term rental use is terminated.
- H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.
- I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints, the Board of Zoning Adjustment may revoke the approval pursuant to section 11.5A.6.

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