

**CITY OF ST. MATTHEWS
ORDINANCE NO. 22-02
AN ORDINANCE AMENDING AND ADDING SHORT TERM RENTALS
TO THE ST. MATTHEWS DEVELOPMENT CODE**

WHEREAS, The City of St. Matthews adopted the April 2001 version of the Development Code for Jefferson County;

WHEREAS, the City of St. Matthews has added certain text amendments to its Development Code over the years as those text amendments were drafted, heard, and recommended to the legislative body members by the Louisville Metro Planning Commission in accordance with Kentucky Revised Statutes Chapter 100,

WHEREAS, The City of St. Matthews did not adopt the text amendment relating to short term rentals recommended for approval by the Louisville Metro Planning Commission in 2016, Case 16AMEND-1002,

WHEREAS, Kentucky Revised Statutes Chapter 100.211 allows legislative bodies to adopt the text amendment recommendations of the Louisville Metro Planning Commission in whole, or as the text amendment may be amended by the Legislative Body, as KRS 100.205 does not require identical zoning regulations among cities and counties comprising the joint planning unit,

WHEREAS, the St. Matthews' Development Code has no specific language on short term rentals and the City Council wishes to now clarify its Development Code by adopting the 2016 Louisville Metro Planning Commission text amendment, revised to allow short term rentals in the same zoning districts that the City's current Development Code allows other transient room uses such as hotels, motels, boarding houses and apartment hotels,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. MATTHEWS, KENTUCKY THAT A CERTAIN TEXT AMENDMENT RELATING TO SHORT TERM RENTALS (16AMEND-1002), AS AMENDED BELOW, IS HEREBY ADOPTED AND SHALL READ AS FOLLOWS:

SECTION 1:

The City of St. Matthews does hereby add to Article 2, Language and Definitions, of its Development Code, definitions relating to short term rentals, as follows:

ARTICLE 2- LANGUAGE AND DEFINITIONS

HOSTING PLATFORM. A person or entity that provides a means through which a Host may offer a dwelling unit, or portion thereof, for short term rental use. Most platforms are internet based and allow a Host to advertise a dwelling unit as a short term rental through a website or mobile app.

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. 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 Development Code.

SHORT TERM RENTAL HOST. Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental.

SHORT TERM RENTAL ADVERTISEMENT. Any method of soliciting use of a dwelling unit or portion thereof as a short term rental.

TRANSIENT USER. A person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 30 consecutive days duration.

SECTION 2:

1. The City of St. Matthews does hereby amend Section 4.12 by adding as follows:

Section 4.12 R-7

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

2. The City of St. Matthews does hereby amend Section 4.13 by adding as follows:

Section 4.13 R-8A

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

3. The City of St. Matthews does hereby amend Section 5.2 by adding as follows:

Section 5.2 OR-1

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

4. The City of St. Matthews does hereby amend Section 5.3 by adding as follows:
Section 5.3 OR-2
A. PERMITTED USES
Short term rentals, (allowed with additional regulations in Section 9.10).

5. The City of St. Matthews does hereby amend Section 5.4 by adding as follows:
Section 5.4 OR-3
A. PERMITTED USES
Short term rentals, (allowed with additional regulations in Section 9.10).

6. The City of St. Matthews does hereby amend Section 5.5 by adding as follows:
Section 5.5 OTF
A. PERMITTED USES
Short term rentals, (allowed with additional regulations in Section 9.10).

7. The City of St. Matthews does hereby amend Section 6.1 by adding as follows:
Section 6.1 C-N
A. PERMITTED USES
Short term rentals, (allowed with additional regulations in Section 9.10).

8. The City of St. Matthews does hereby amend Section 6.2 by adding as follows:
Section 6.2 C-R
A. PERMITTED USES
Short term rentals, (allowed with additional regulations in Section 9.10).

9. The City of St. Matthews does hereby amend Section 6.3 by adding as follows:

Section 6.3 C-1

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

10. The City of St. Matthews does hereby amend Section 6.4 by adding as follows:

Section 6.4 C-2

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

11. The City of St. Matthews does hereby amend Section 6.5 by adding as follows:

Section 6.5 C-3

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

12. The City of St. Matthews does hereby amend Section 6.6 by adding as follows:

Section 6.6 C-M

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

13. The City of St. Matthews does hereby amend Section 6.7 by adding as follows:

Section 6.7 EZ-1

A. PERMITTED USES

Short term rentals, (allowed with additional regulations in Section 9.10).

SECTION 3:

1. The City of St. Matthews does hereby amend Article 9 to add an additional Section 9.10 to Article 9 as follows:

9.10- Special Standards, Short Term Rentals

In the R-7, R-8A, OR-1, OR-2, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M and EZ-1 zoning districts, Short Term rentals may be permitted in accordance with the following special standards:

- A. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. The registration shall be maintained and be active and in the name of the current host while using the property for this purpose. A copy of the current registration shall be submitted to the City of St. Matthews Enforcement Officer.
- B. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant 30 or more consecutive days is not considered a short term rental.
- C. The dwelling unit shall be limited to a single short term rental contract at a time.
- D. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the licensed property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals.
- E. The property in which the short term rental is situated shall not be closer than 600 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another short term rental facility is operating. This provision shall not be waived or adjusted.
- F. The building in which the dwelling unit is located shall be a single family residence or multi-family dwelling. This provision shall not be waived or adjusted.
- G. Food or alcoholic beverages shall not be served by the host to any guest.
- H. Outdoor signage which identifies the short term rental is prohibited in all residential and office/residential zoning districts.
- I. There shall be a sufficient amount of parking available for the hosts and guests. The amount and location of parking shall be based on the land uses and density of the immediate vicinity and the number of persons allowed to occupy the short term rental under this ordinance. In the event that a complaint is filed concerning the lack of adequate parking, the City of St. Matthews may require that the host submit a parking study to the City of St. Matthews. If the parking study concludes that there is inadequate parking available to the hosts and guests, the host shall either a) increase the amount of parking to be sufficient or b) discontinue the short term rental use.
- J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the City of St. Matthews may determine that the short term rental use be discontinued. When the City of St.

Matthews makes a determination that the short term rental use shall be discontinued, under this section, the owner and host shall be notified of the action and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the action of the city shall become final on the thirty-first (31) day after the initial action by the City. Civil complaints include, but are not limited to, reported violations of the 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.

- K. In a case in which a) the primary residency of the host is in question due to conflicting documentation or b) inadequate documentation concerning the primary residency of the host is provided by the host, the City of St. Matthews may review the registration and make a determination related to the residency of the host.

SECTION 4:

This ordinance shall take effect upon enactment and publication according to law.

First Reading: April 13, 2022

Second Reading: MAY 10, 2022

Passed and Approved: MAY 10, 2022



Mayor Richard J. Tonini

ATTEST:



Susan Clark City Clerk

In Favor: 7

Opposed: 0