

**CITY OF LA GRANGE, KENTUCKY
ORDINANCE NO. 20, SERIES 2023**

**AN ORDINANCE AMENDING REGULATIONS
RELATING TO SHORT TERM RENTAL PROPERTY**

WHEREAS, the Oldham County Zoning Ordinance Sec. 250-050 was recently amended relating to the regulation of short term rental property in Oldham County, and the La Grange City Council in accordance with its home rule powers hereby adopts similar regulations for specific application within the city limits of La Grange.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA GRANGE, KENTUCKY

La Grange Ordinance Code §§119.15, 119.16, 119.17, 119.18, and 119.19 shall be repealed and replaced in their entirety by a new §119.20, to read as follows:

§119.20 Short Term Rental Property

A. Definitions

The following words and phrases shall have the meaning set forth in this Section.

- **Bedroom:** An area of a Short Term Rental Property normally occupied for sleeping purposes in compliance with the requirements of the Kentucky Building Code.
- **Business Entity:** A corporation, partnership, or other legal entity that is not a person or a personal or family trust.
- **Change Of Property Ownership:** The transfer of property ownership title from one Host to another Host.
- **Change Of Manager:** The transfer of Manager from one individual to another individual.
- **Host:** Any person who is the owner of record of real property who offers a Short Term Rental Property, or portion thereof, for transient occupancy.
 - **Non Owner Occupied Host:** Owner of record of the Short Term Rental Property whose Primary Residence is not located on the same lot or immediately adjacent lot of the Short Term Rental Property (see footnote to §119.20(B))
 - **Owner Occupied Host:** Owner of record of the Short Term Rental Property whose Primary Residence is located on the same lot or immediately adjacent lot of the Short Term Rental Property.

An Owner Occupied Host may include a trust, corporation, limited liability company, or other Business Entity if the property is the Primary Residence of a person having ownership and control of the entity with title to the property...

- **Hosting Platform:** A person and/or entity that provides a means through which a Host may offer a Short Term Rental Property, or portion thereof, for transient occupancy. Hosting platforms are typically internet based and enable a Host to advertise the Short Term Rental Property through a website and/or mobile app.
- **Manager:** An individual with a permanent address located in Oldham County or within twenty-five (25) miles of a Short Term Rental Property, measured by driving distance, who is immediately available twenty four (24) hours a day, seven days a week for the purpose of in-person responses to complaints regarding the condition and operation, or conduct of the Transient Guests, of Short Term Rental Property, and who shall be authorized by the Host to undertake remedial action to address maintenance, safety issues, and compliance of Transient Guests and invitees.
- **Owner:** the person or entity in whom title of record to real property is vested.
- **Primary Residence:** The main home of an individual or family where they reside a minimum of six months on an annual basis.
- **Short Term Rental Property:** A dwelling unit that is used or advertised for rent for Transient Occupancy, in which no meals are served by the Host, for a time period less than thirty (30) consecutive days by a Transient Guest.

Any other land use intended for Transient Occupancy specifically identified elsewhere in the Zoning Ordinance shall NOT be considered as a Short Term Rental Property, such as Bed & Breakfasts, Boarding Rooms, Extended Stay Lodging, Hotels, Motels, Hostels, Recreational Vehicles, Trailers, Tents, Motor Homes, Mobile Homes, or similar means of Transient Occupation of real property.

- **Short Term Rental Property House Rules:** Minimum standards of conduct posted on the Short Term Rental Property requiring Transient Guests and their invitees to be respectful of the neighbors and neighborhood in which the Property is located.
- **Short Term Rental Property Number of Bedrooms:** Number of bedrooms in a Short Term Rental Property unit as determined by the official records of the Oldham County Property Valuation Administrator's records.
- **Short Term Rental Property Permit:** A required permit reviewed and issued by the City of La Grange Code Enforcement authorizing the establishment and operation of a Short Term Rental Property for a defined time period.
- **Short Term Rental Property Maximum Occupancy:** Twice the number of bedrooms plus four to determine the allowable number of Transient Guests at a Short Term Rental Property.
- **Transient Guests:** A person or persons who exercise Transient Occupancy or is entitled to transient occupancy of any rooms, lodgings or accommodations at a Short Term Rental Property for a time period less than thirty (30) consecutive days.

- **Transient Occupancy:** The permissive occupation or use by a person or group of a rental property for a time period less than thirty (30) consecutive days, not to exceed thirty (30) non consecutive days in any sixty (60) day period.

B. Short Term Rental Property Permitted Use & Conditional Use Standards

Zoning District	Owner Occupied Host Short Term Rental Property	Non Owner Occupied Host Short Term Rental Property
AG-1	CU	X
AG-2	CU	X
CO-1	CU	X
R-1	CU	X
R-1A	CU	X
R-2	CU	X
R-2A	CU	X
R-3	CU	X
R-4	CU	X
R-4A	CU	X
T	X	X
O-1	P	P
O-2	P	P
C-N	CU	CU*
C-1	P	P
C-2	P	P
C-3	P	P
C-4	P	P
I-1	P	P
I-2	P	P
IPD	P	P
SWF-1	X	X
PUD	DS	DS
PRD	DS	DS
PND	DS	DS

CU = Conditional Use P = Permitted Use X = Not Permitted DS = Development Specific

*A Non Owner Occupied Host Short Term Rental Property may be eligible for a Conditional Use Permit for Short Term Rental only if the Owner currently resides in Oldham County or within 25 miles of the Short Term Rental Property.

C: Short Term Rental Property Operating Requirements and Minimum Standards

Every Host of a Short Term Rental Property shall comply with the Operating Requirements and Standards set forth in this Section C, as follows:

1. The Host shall not establish, operate, or advertise a Short Term Rental Property without having first obtained and maintained in good standing a Short Term Rental Property Permit from the City of La Grange Code Enforcement.
2. A Short Term Rental Property shall only be available for Transient Occupancy for a time period less than thirty (30) consecutive days by a Transient Guest.
3. A Short Term Rental Property shall be limited to a single contractual Transient Guest at a time and simultaneous rental contracts shall be prohibited. Additionally, the Short Term Rental Property cannot be advertised on a Hosting Platform as concurrently available while under contract with a Transient Guest.
4. The contractual Transient Guest of a Short Term Rental Property shall be a minimum age of twenty one (21) years old.
5. The Host shall obtain, continuously maintain, and pay premiums for insurance policies that cover the Short Term Rental Property as a commercial activity.
6. The Host or Hosting Platform shall be required to collect and remit all applicable room, occupancy, and sales taxes required by federal, state, and local governments.
7. The Host shall be responsible for compliance with current 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, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.
8. The Host shall use reasonable property management practices to ensure that Transient Guests and visitors of the Short Term Rental Property do not create noise disturbances, engage in disorderly conduct, and/or violate provisions of federal, state, & local regulations.
9. The Host shall post and maintain a copy of the current Short Term Rental Property Permit on the Hosting Platform and on the inside of the Short Term Rental Property unit in a conspicuous location near the primary door.
10. The Host shall post and maintain inside the Short Term Rental Property unit in a conspicuous location the following minimum House Rules for use of Transient Guests:
 - The name of the Host telephone/cell number and email in which the Host may be reached on a twenty four (24) hours a day, seven days a week basis.

- The name of the Manager and telephone/cell number and email in which the Manager may be reached on a twenty four (24) hours a day, seven days a week basis.
- Maximum number of Transient Guests authorized to exercise Transient Occupancy within the Short Term Rental Property.
- Evacuation routes from the Short Term Rental Property unit in the event of an emergency requiring withdrawal from the unit.
- Parking shall be on the same property in which the Short Term Rental Property unit is located and not on adjoining properties or streets.
- Trash pick up day and that trash and refuse shall not be stored within public views except in proper containers with a closeable lid.
- Any device or machine utilized for the amplification of sound shall not be audible at the adjoining property lines.
- Loud or disturbing outdoor and group activities shall not occur during the hours of 10:00p.m. to 7:00 a.m..

11. Outdoor signage which identifies the Short Term Rental Property in residentially zoned areas is strictly prohibited and outdoor signage which identifies the Short Term Rental in non-residentially zoned areas must obtain an appropriate sign permit from the City of La Grange.

12. Parking shall be provided on the same property in which the Short Term Rental Property dwelling unit is located. The minimum number of parking spaces for Transient Guests shall be determined by the Maximum Occupancy divided by two and one-half (2.5). Parking on the street is not allowed unless the Short Term Rental Property has no driveway, alley or other means of vehicular parking.

13. Trash and refuse shall not be stored within public views except in proper containers with a closeable lid.

14. Any device or machine utilized for the amplification of sound shall not be audible at the property line of the Short Term Rental Property.

15. Outdoor and group activities shall not occur during the hours of 10:00 p.m. to 7:00a.m. Such outdoor activities include but are not limited to swimming, hot tubbing, loud partying, lighted games, and other disturbances of the peace.

16. Transient Guests and their invitees shall comply with nuisance ordinances and be subject to citations and jurisdiction of the Lagrange Code Enforcement Board and the Oldham County Courts.

D. Short Term Rental Property Permit Required

No person, firm, or corporation shall own or operate a Short Term Rental Property on any premises within Oldham County unless the short term rental has been registered annually with the City of La Grange Code Enforcement.

Applications shall include the following:

- 1) Payment Of Application Fee of \$150 (\$125 annual renewal fee).
- 2) Completed Application
- 3) Accompanying Supporting Information consisting of the following:
 - The name of the Host, the postal mailing and email addresses of the Host, and telephone number by which the Host may be reached on a twenty four (24) hours a day, seven days a week basis.
 - The name of the Manager, the postal mailing and email addresses of the Manager, and telephone number by which the Manager may be reached on a twenty four (24) hours a day, seven days a week basis.
 - A floor plan of the unit showing number of bedrooms, details of all levels of the dwelling unit and any attached structures, location of windows, doors (interior and exterior), and locations of the required smoke detectors.
 - A plot plan of the property showing the shape of the property, location of the dwelling unit, location of all other structures, and location of driveway & required parking spaces.
 - Owner Occupied Host must provide proof of Primary Residence and provide two documents to verify their Primary Residence. Acceptable documents include, but are not limited to, a driver's license, state identification card, vehicle registration, voter registration, utility bills, and work identification or badge. Such documents must be current and show the Host's name and mailing address matching that of the Short Term Rental Property.
 - Proof of premises liability insurance policies that cover the Short Term Rental Property as a commercial activity.
 - A sworn statement that the applicant has confirmed that operating the proposed Short Term Rental Property does not violate any Homeowners Association agreement or bylaws, Condominium Agreement, Covenants, Codes and Restrictions, Deed Restrictions, and/or any other agreement governing and limiting the use of the proposed Short Term Rental Property. If a Homeowners Association exists a written statement from the Homeowners Association must be provided in addition to the applicant's written statement.

E. Expiration, Renewal, or Revocation of Short Term Rental Property Permit

- Short Term Rental Property Permits shall be continuously maintained by the Host and ordinarily expire on December 31st of every year and must be renewed annually. Permits are issued to the Host and do not run with the land.
- If any of the following events occur prior to the December 31st renewal date it triggers an expiration of the Short Term Rental Property Permit and a required renewal application of the Short Term Rental Property Permit.
 - Change Of Property Ownership
 - Change Of Manager*
 - Change Of Insurance Policy*
 - Change In the Maximum Number Of Bedrooms
 - Change In Status Of Any Previously Approved Conditional Use

*No fee is required for renewal triggered by change of manager or insurance.

A renewal application grace period of thirty (30) days will be allowed from the date of the triggering event for administrative review of the application.

- Short Term Rental Property Permits shall be subject to revocation or suspension for good cause at the discretion of the City of La Grange Code Enforcement Officer in the event of any of the following occurrences:
 - Failure by the Host to submit accurate and true information with a Short Term Rental Property application.
 - Failure by the Host to renew an expired Short Term Rental Property Permit by the ordinary December 31st renewal date of every year.
 - Failure by the Host to renew an expired Short Term Rental Property Permit that has been triggered by an event.
 - Advertising on a Hosting Platform an occupancy that exceeds the allowable Short Term Rental Property's Maximum Occupancy.
 - Enforcement action undertaken by La Grange Code Enforcement regarding the operation or unpermitted use of Short Term Rental Property.
 - Hosts and/or Transient Guests may be issued citations for violations of City Ordinances to be heard by the La Grange Code Enforcement Board.
 - Two (2) or more citations and/or criminal complaints regarding the operation of the Short Term Rental Property or conduct of Transient Guests shall be grounds for revocation.
 - In the event of a revocation of a Short Term Rental Property Permit an administrative appeal may be filed by the Host to the La Grange Board of Adjustment & Appeals. In the event of a revocation of a Short Term Rental Property Permit the Host may not make an application for a different Short Term Rental Property Permit on the same property for a period of one (1) year.

This Ordinance shall be effective upon enactment and enforceable thirty (30) days following publication as prescribed by KRS 424.

First Reading- December 4, 2023

Second Reading- January 3, 2024

Vote: For: 7 Against: 0 Abstain: 0

So approved this 3rd day of January, 2024

A handwritten signature in black ink, appearing to read "John W. Black". The signature is written in a cursive style with a large initial "J".

JOHN W. BLACK, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Beach Craigmyle". The signature is written in a cursive style with a large initial "B".

Beach Craigmyle, City Attorney