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**TO:** Kenton County Planning Commission Members

**FROM:** Emi Randall, AICP, RLA   
Director of Planning and Zoning

**RE:** Staff Recommendations for the Public Hearing

**DATE:** May 28, 2019

PDS submits the attached report and recommendation for your review prior to the scheduled June 6, 2019 public hearing. This information relates to the following agenda item:

**FILE:** PC1905-0003  
**APPLICANT:** City of Edgewood per Brian Dehner, City Administrator  
**REQUEST:** Proposed text amendments to the Edgewood Zoning Ordinance permitting owner-occupied short-term rentals in residential zones subject to area and licensing requirements, and adding related definitions.

Staff will be prepared to address your comments and/or questions regarding the project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.





**Text Amendment**

Case No: PC1905-0003  
Jurisdiction: City of Edgewood  
Applicant: City of Edgewood per Brian Dehner, City Administrator  
Project Manager: Megan Bessey

**GENERAL CASE INFORMATION**

1. **Request:** Proposed text amendments to the Edgewood Zoning Ordinance permitting owner-occupied short-term rentals in residential zones subject to area and licensing requirements, and adding related definitions.

**HISTORY & BACKGROUND**

1. In February 2018, the City of Taylor Mill submitted text amendments to add a definition of short-term rental and prohibit short term rentals within all residential zones (PC1802-0005). Staff and the KCPC gave the text amendments unfavorable recommendations. The City approved the proposed text amendments.
2. In December 2018, Kenton County submitted text amendments to add owner-occupied short-term rentals as a permitted use and non-owner-occupied short-term rentals as a conditional use within the A-1 and A-2 zones, amending the definition for Bed and Breakfast Establishment, adding definitions for Owner-Occupied and Non-Owner-Occupied Short-Term Rental, and adding restrictions on the uses. Staff and the KCPC gave the text amendments favorable recommendations. Kenton County approved the proposed text amendments.

**ANALYSIS**

1. **Petition Review:**
  - a. Under the current regulations, short-term rentals are not defined or specifically permitted or prohibited within any zoning district. Under the proposed text amendment, the lease, rent, let or license of an owner-occupied residence for compensation for any period of time that is less than 28 continuous calendar days would be permitted in residential zones (R-RE, R-1B, R-1C, R-1D, R-1DD, R-1E, R-1F) subject to area and licensing requirements.
  - b. Under the proposed text amendment, definitions will be added for “Short-Term Rental” and “Nobody”.
    - i. The purpose of the definitions is to provide clarity to the concepts and terms used within the zoning ordinance and consistency in the administration of the ordinance.
    - ii. The proposed definitions will clarify that “Short-Term Rental” means the lease, rent, let or license of a residence for compensation for any period of time that is less than 28 continuous calendar days, and that “nobody” means no human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.
  - c. Proposed additional restrictions on all Short-Term Rentals include:

- i. The floor area of the Short-Term Rental is no more than 25 percent of the total square footage of finished living space in the residential unit in which the Short-Term Residential Rental is located; and
- ii. The residential unit in which the Short-Term Residential Rental is located is occupied by the owner during the Short-Term Residential Rental; and
- iii. The owner of the residential unit in which the Short-Term Residential Rental is located has a current Edgewood Occupational License during the Short-Term Residential Rental.

### **STATE STATUTE**

1. Kentucky Revised Statute (KRS) 100.203 (1) states the allowable content of zoning regulations which cities and counties may enact.

**STAFF RECOMMENDATION:** Favorable recommendation on the proposed text amendments to the Edgewood Zoning Ordinance permitting owner-occupied short-term rentals in residential zones subject to area and licensing requirements, and adding related definitions.

### **SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION**

1. The proposed text amendments are reasonable. Allowing property owners to use their property for a short-term rental is an appropriate use of their land. The additional restrictions on short-term rentals, will allow additional oversight of short-term rentals and code enforcement options, if necessary.
2. The proposed text amendments will not have an adverse effect on the public health, safety, or welfare and will not be injurious to the public residing in or moving through the area.

### **ADDITIONAL INFORMATION**

1. The submitted text refers to both “short-term rental” and “short-term residential rental”. Staff recommends that the City consider amending the proposed text to ensure consistency between the definition and other terms used within the proposed text amendments relating to the definition.

**General Attachment Notice:**

*For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: [www.pdskc.org](http://www.pdskc.org)*

**ATTACHMENT A**

Proposed Text Amendments to Edgewood Zoning Ordinance  
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

NOBODY: The word “nobody” means no human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

SHORT-TERM RENTAL: The phrase “Short Term Residential Rental” means the lease, rent, let or license of a residence for compensation for any period of time that is less than 28 continuous calendar days.

**ARTICLE IX**

**GENERAL REGULATIONS**

**SECTION 9.37 SHORT-TERM RENTALS**

- A. Nobody shall cause, promote, aid, assist, encourage, allow or engage in any Short-Term Residential Rental anywhere in a residential zone unless:
1. The floor area of the Short-Term Rental is no more than 25%of the total square footage of finished living space in the residential unit in which the Short-Term Residential Rental is located; and
  2. The residential unit in which the Short-Term Residential Rental is located is occupied by the owner thereof during the Short-Term Residential Rental; and
  3. The owner of the residential unit in which the Short-Term Residential Rental is located has a current Edgewood Occupational License during the Short-Term Residential Rental.