

COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. KOC 23-920-391

\*\*\*\*\*

AN ORDINANCE REPEALING AND REPLACING SECTION 250-050 OF THE EXISTING OLDHAM COUNTY COMPREHENSIVE ZONING ORDINANCE.

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WHEREAS, the Oldham County Fiscal Court has the authority pursuant to the provisions of KRS Chapters 67, 100, and other applicable law to adopt and amend ordinances; and,

WHEREAS, Oldham County Joint Planning and Zoning Commission did conduct an advertised public hearing on August 22, 2023 on the issue of amending Section 250-050 of the Oldham County Comprehensive Zoning Ordinance to include the attached revisions, and at the conclusion of said hearing, did recommend to the Oldham County Fiscal Court that Section 250-050 of the Oldham County Comprehensive Zoning Ordinance be amended to include the revisions; and,

WHEREAS, Oldham County Fiscal Court did advertise and conduct a public hearing on the recommended Oldham County Comprehensive Zoning Ordinance changes attached hereto, and the said Fiscal Court having voted to adopt said revisions to sections at its regular meeting conducted October 3, 2023:

**Affected Section:**

**Oldham County Comprehensive Zoning Ordinance**  
**Division 250: Special Provisions**  
**Section 250-050: Short Term Rental Property**

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OLDHAM,  
COMMONWEALTH OF KENTUCKY, THAT:

1) The attached language is to replace, amend or add the Sections and Divisions described above of the Oldham County Zoning Ordinance and Subdivision Regulations adopted by ordinance KOC 06-920-473, passed 12-19-2006; Ord. KOC 08-920-787, passed 10-21-2008; Ord. KOC 10-920-900, passed - -2010; Ord. KOC 10-920-873, passed 6-1-2010; Ord. KOC 11-920-054, passed 5-17-2011; Ord. KOC-16-920-345, passed 09-06-2016; Ord KOC-18-920-447, passed 03-20-2018); Ord KOC-22-920-283 passed 2-15-2022; and Ord KOC 23-920-343 passed 6-20-2023.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 3 day of Oct, 2023.



DAVID VOEGELE

Oldham County Judge/Executive

First Reading: 9.19.23

Second Reading: 10.3.23

ATTEST:



Tara Long

Oldham County Fiscal Court Clerk

## **Sec. 250-050 Short Term Rental Property**

### **A. Definitions**

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

- **Bedroom:** An area of a Short Term Rental Property normally occupied for sleeping purposes and being 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.
  - **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.

Owner Occupied Host includes a person, personal or family trusts, limited liability partnerships, or limited liability companies all of which must consist solely of persons and not a Business Entity.
- **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 within twenty-five (25) miles, measured by driving distance from the nearest subject structure to the nearest subject structure, of a Short Term Rental Property who is available twenty four (24) hours a day, seven days a week for the purpose of in person responses to complaints regarding the condition, operation, and/or conduct of the Transient Guests of the Short Term Rental Property.

Additionally, the Manager is authorized by the Host to undertake remedial action to address compliance, maintenance, & safety issues.

- Primary Residence: The main home of an individual where they reside a minimum of six months on an annual basis.
- Short Term Rental Property: A dwelling unit that is used and/or advertised for rent for transient occupancy, in which no meals are served, 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 other land uses include Bed & Breakfast Establishments, Boarding Houses, Extended Stay Lodging, Hotels, Motels, & Recreational Vehicles.

- Short Term Rental Property House Rules: Minimum standards of conduct in which the Transient Guests are respectful of the neighbors & neighborhood in which the Short Term Rental 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 by Planning & Development Services 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 exercises 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.

## 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	P	P
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

## C: Short Term Rental Property Operating Requirements & Standards

A Host of a Short Term Rental Property must comply with the Operating Requirements & Standards set forth in this Section.

1. A Host shall not establish, operate, and/or advertise a Short Term Rental Property without having first obtained & maintained in good standing a Short Term Rental Property Permit from Planning & Development Services.

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 & remit all applicable room, occupancy, and sales taxes required by federal, state, & 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 & 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 & maintain inside the Short Term Rental Property unit in a conspicuous location the following minimum House Rules, adopted by local ordinance, for the use of the Transient Guests:
  - The name of the Manager, the postal mailing & email addresses of the Manager, & telephone number in which the Manager may be reached on a twenty four (24) hours a day, seven days a week basis.
  - The name of the Host & telephone number in which the Host 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 & 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.
  - Outdoor & group activities shall not occur during the hours of 10:00p.m. to 7:00a.m..
11. Outdoor signage which identifies the Short Term Rental Property in residentially zoned areas is prohibited and outdoor signage which identifies the Short Term Rental in non residentially zoned areas must obtain a sign permit as outlined in Section 290-045 Sign Permits of the Oldham County Zoning Ordinance.
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 & one half (2.5).
13. Trash & 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 & group activities shall not occur during the hours of 10:00p.m. to 7:00a.m.. Such outdoor activities include but are not limited to swimming, hot tubbing, grilling, yard games, campfires, etc.

#### **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 Planning & Development Services.

1. Applications shall include:

- 1) Payment Of Application Fee.
- 2) Completed Application
- 3) Accompanying Supporting Information Consisting Of:

- The name of the Host, the postal mailing & email addresses of the Host, & telephone number 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, the postal mailing & email addresses of the Manager, & telephone number in 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 & mailing address matching that of the Short Term Rental Property.
- Proof of insurance policies that cover the Short Term Rental Property as a commercial activity.
- A written 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 & 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 instead of the applicant's written statement.

#### **E. Expiration, Renewal, & 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.



- If any of these 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

\*A renewal application fee is not necessary for one of these triggering events.

A renewal application grace period of thirty (30) days will be allowed from the date of the triggering event to Planning & Development Services' review of a renewal application.

- Short Term Rental Property Permits shall be subject to revocation by the Planning & Development Services' Director in the event of any of the following occurrences:
  - Failure by the Host to submit accurate & 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 Planning & Development personnel regarding the operation of the Short Term Rental Property.
  - Two (2) or more validated civil and/or criminal complaints regarding the operation of the Short Term Rental Property and/or conduct of Transient Guests.

In the event of a revocation of a Short Term Rental Property Permit an administrative appeal may be filed by the Host to the appropriate 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.