

Regulation of Airbnb's in Lexington-Fayette County

Under the current provisions of the Zoning Ordinance Airbnb's are allowed in residential zones throughout Lexington-Fayette County. The restrictions under which an Airbnb can operate have to be pieced together using various provisions in the ordinance relating to use of a "dwelling unit", which is defined as an independent housekeeping establishment (with a kitchen and sleeping facilities) that is **occupied on a weekly, monthly or longer basis**. Therefore, any rental of a room or an entire dwelling must be for a minimum of one week. As a practical matter, local government is not and should not be in the position of mandating that renters actually stay for a certain number of nights. With that in mind, enforcement is focused on ensuring that during any given week a room/dwelling is only rented once, and that over the course of a year no more than 52 bookings take place at a particular property. The number of nights that a renter actually stays during any given week and the rate charged are strictly a private matter.

In addition to the one-week time limit, a couple of other restrictions are equally important. Individual rooms that are rented **cannot be used as a second dwelling unit**, and should be designed and function as part of the entire single dwelling unit that is allowed by zoning at a particular property. Presence or absence of a second kitchen, type of access to the room (e.g., separate access via a walkout basement), internal arrangement of the rooms and use of any detached accessory buildings are all used as indicators of whether or not a room or rooms are being used as a second dwelling unit, which would be considered as a zoning violation. Further, in general a **maximum of four unrelated persons can occupy a dwelling**, and that is the total for the entire dwelling unit, regardless of how it might be split up into rooms for rental.

The Zoning Enforcement office in the Division of Planning does receive complaints about Airbnb rentals from time to time. So far, the level of complaints has not reached the point where local government has determined that additional regulations are needed. Operators of Airbnb's should be mindful of this, and **make every effort to ensure that rental activities do not disturb neighbors**. Common complaints relate to noise, garbage and parking. Noise disturbances and illegal parking (e.g., a parked vehicle blocking a driveway) should be reported to the Police at their non-emergency number (859 258-3600). Nuisance trash and debris should be reported to the Division of Code Enforcement via Lexcall 311. Concerns relating to the number of occupants at a rental property or the frequency of rentals should be referred to the Division of Planning via Lexcall 311.