

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
86842
AUG 29 2022
BOONE COUNTY
PLANNING COMMISSION

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant: Heather Johnson
Address: 3623 Hathaway Rd
Union Ky 41091
City State Zip Code
Phone Number: 859-802-⁷⁹³⁹~~8673~~ Fax Number: _____
Email: Johnsonracing at Fuse . Net
4. Description of Request: short term Rental use
5. Name of Development: N/A
6. Location of Development: 3623 Hathaway Rd
Union Ky 41091
City State Zip Code
7. Acreage Under Review: _____
8. Lot Number and Name of Subdivision (if part of a subdivision): _____
9. Current Owner: Mark Johnson
Address: 3663 Hathaway Rd
Union Ky 41091
City State Zip Code
Phone Number: 859-802-8673 Fax Number: _____
Email: Johnsonracing at Fuse . Net

10. Proposed Use(s) on Site: Short Term Rental
11. Total Square Footage of Existing and/or Proposed Buildings: 1,477 House / 300 Garage
12. Current Zoning: A-2
13. 1154 814 2054
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: _____

(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: _____

(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 8/23/2022 Fee Received: \$766 Receipt #: 86842

2. Is application complete: _____

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 9/14/2022

5. Board Action: 9/14/2022

_____ Approved

Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: See Attached, Minutes, & CLUR

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

CONDITIONS OF APPROVAL

APPLICANT: Mark and Heather Johnson

LOCATION: 3623 Hathaway Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: September 14, 2022

1. There shall be no more than seven (7) guests at any given time.
2. A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short term rental.



BOONE COUNTY ZONING REGULATIONS

ARTICLE 31 SUPPLEMENTAL PERFORMANCE STANDARDS

SECTION 3191 Standards for Short Term Rentals (Applies to Unincorporated Boone County and the City of Florence Only)

- A. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
- B. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
- C. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
 - 1. There shall be a maximum occupancy of ten (10) persons, adult and children.
 - 2. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
- D. In addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
- E. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- F. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
- G. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
- H. It shall be unlawful:
 - 1. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
 - 2. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
 - 3. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
 - 4. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)

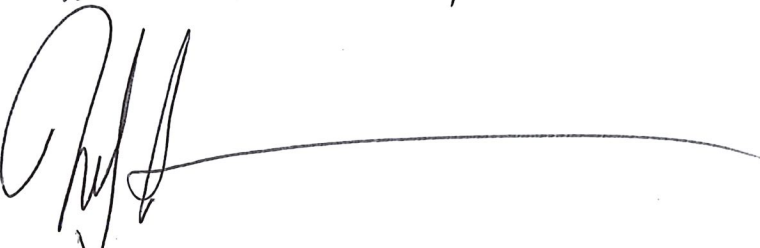


BOONE COUNTY
PLANNING COMMISSION

5. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 6. To operate a short term rental without paying the required hotel occupancy taxes.
 7. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)
 8. To fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
 9. Permit the use of the short term rental for any illegal purpose or any use not permitted by the residential zoning regulations.
- I. Depending on the scope of improvements, a Zoning Permit or Tenant Finish Permit per **ARTICLE 4**, or a Minor Site Plan or Major Site Plan per **ARTICLE 30**, shall be submitted to and approved by the Planning Commission prior to constructing any improvements and operating a short term rental.

Effective on: 12/15/2020

We will comply



Heather Johnson

STAFF REPORT

#4

APPLICANT: Mark and Heather Johnson

LOCATION: 3623 Hathaway Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: September 14, 2022

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the existing single-family residential dwelling to be used as a Short Term Rental.

SITE HISTORY

1992-

1994 Based on information contained in the Boone County GIS, the site was developed with a detached single-family residential dwelling.

1993 On January 4, 1993, the Boone County Planning Commission approved a zoning permit for a garage addition.

2021 On November 30, 2021, the Boone County Planning Commission approved a zoning permit for a pool.

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262, and 933 of the Boone County Zoning Regulations.
1. Findings listed in Section 262 (Findings for all Conditional Uses):
 - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
 - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
 - c. Will not be hazardous to existing or future neighboring uses;
 - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be

- e. able to provide adequately such services;
Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 - f. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
 - g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
2. Criteria listed in Section 623 of the Boone County Zoning Regulations (A-2 District):
- a. The activity is an integral part of the agricultural or residential use of the land, and the activity is not of scale, nature or other character which will detract or conflict with the principal purposes of the district; or
 - b. The activity is necessary to provide the specified public service for the residents of the district so long as the service area, use, scale or other character of the activity does not overpower, transient or conflict with the principal purpose of the district; and
 - c. Provided the arrangement of use, building or structure is mutually compatible with the organization of permitted and accessory uses to be protected in the district.
- C. Section 620 of the Boone County Zoning Regulations states that “The purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment.”
- D. Section 623.19 of the Boone County Zoning Regulations identifies ‘short term rentals’ as a Conditional Use within the Agricultural Estate (A-2) district.
- E. Section 4000 of the Boone County Zoning Regulations defines ‘Short Term Rental’ as follows:
- The rental of a residential dwelling unit, or a portion thereof, for a period pf less than thirty (30) days. This term does not include:
- A. A unit that is used for nonresidential purposes, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
 - B. A bed and breakfast.
 - C. A hotel/residence hotel.

- F. Section 3191 of the Boone County Zoning Regulations provides for the following supplemental regulations/standards for 'Short Term Rentals':
- A. Except as provided for in Article 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
 - B. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
 - C. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
 - 1. There shall be a maximum occupancy of ten (10) persons, adult and children.
 - 2. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
 - D. In addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
 - E. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
 - F. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
 - G. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
 - H. It shall be unlawful:
 - 1. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court.
 - 2. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation.
 - 3. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.

4. To operate a short term rental without paying the required hotel occupancy taxes.
 5. To fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
 6. Permit the use of the short term rental for any illegal purpose or any use not permitted by the residential zoning regulations.
- I. Depending on the scope of improvements, a Zoning Permit or Tenant Finish Permit per Article 4, or a Minor Site Plan or Major Site Plan per Article 30, shall be submitted to and approved by the Planning Commission prior to constructing any improvements and operating a short term rental.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Rural Lands” and “Rural Density Residential” uses. These uses are described as follows:
1. Rural Lands - Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres. Residential construction in Rural Lands does not occur in a formal subdivision.
 2. Rural Density Residential - Low density residential uses of up to one dwelling unit per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 5. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 6. Tourist oriented commercial facilities should be encouraged provided that the impacts on other land uses are minimal (Natural and Cultural Resources Goal A, Objective 4).

7. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 8. Tourism (including agri-tourism and heritage tourism), telecommuting, and virtual employment shall be encouraged as an economic resource while minimizing potential impacts (Economy Goal A, Objective 7).
 9. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 10. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).
 11. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
- C. Hathaway Road is identified as a state maintained arterial street providing for two way traffic within two driving lanes. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 1.5 acre area is located along the south side of Hathaway Road, approximately 1.1 miles west of Timbercreek Drive.
- B. The site has approximately 350 feet of frontage along Hathaway Road.
- C. Access to the site is provided by one curb cut onto Hathaway Road.
- D. The site is currently occupied by a detached, one-story, residential structure with a one (1) car attached garage.
- E. The existing driveway extends thirty-six (36) feet from Hathaway Road and then splits into two thirty-six (36) foot long driveway segments, accommodating six (6) cars.
- F. Topographically, the existing house sits on a ridge, approximately ten (10) feet above Hathaway Road.
- G. There are numerous mature trees on the site.

SURROUNDING LAND USES AND ZONING

North: Single family residential dwellings and agricultural/undeveloped land (A-2)
South: Single family residential dwellings and agricultural/undeveloped land (A-2)
East: Single family residential dwellings and agricultural/undeveloped land (A-2)

West: Single family residential dwellings and agricultural/undeveloped land (A-2)

PROPOSED DEVELOPMENT

A. The applicant is proposing to use the three (3) bedroom dwelling as a short term rental.

STAFF ISSUES

- A. The site is located directly on Hathaway Road, an arterial street.
- B. The applicant has stipulated that they will adhere to the requirements of the supplemental regulations/standards for 'Short Term Rentals' (Section 3191).
- C. The site is located approximately 28,000 feet from the nearest approved Short Term Rental.

STAFF COMMENTS

A. Section 3191.C.2 of the zoning regulations state that bedrooms under one hundred (120) square feet shall be limited to one (1) adult occupant.

The submitted plan indicates that one of the three bedrooms is less than one hundred twenty (120) square feet in area.

Based on the requirements of Section 3191, the existing house can accommodate a maximum of seven (7) guests (2 in bedroom 1, 2 in bedroom 2, 1 in bedroom 3 and 2 additional).

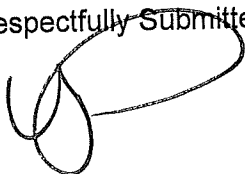
A. Should the Board take action to approve the submitted request, Staff is suggesting the following condition be considered as part of that action:

- 1. There shall be no more than seven (7) guests at any given time.
- 2. A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short term rental.

CONCLUSION

A. KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Boone County Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit request.

Respectfully Submitted,



Michael D. Schwartz
Director, Zoning Services

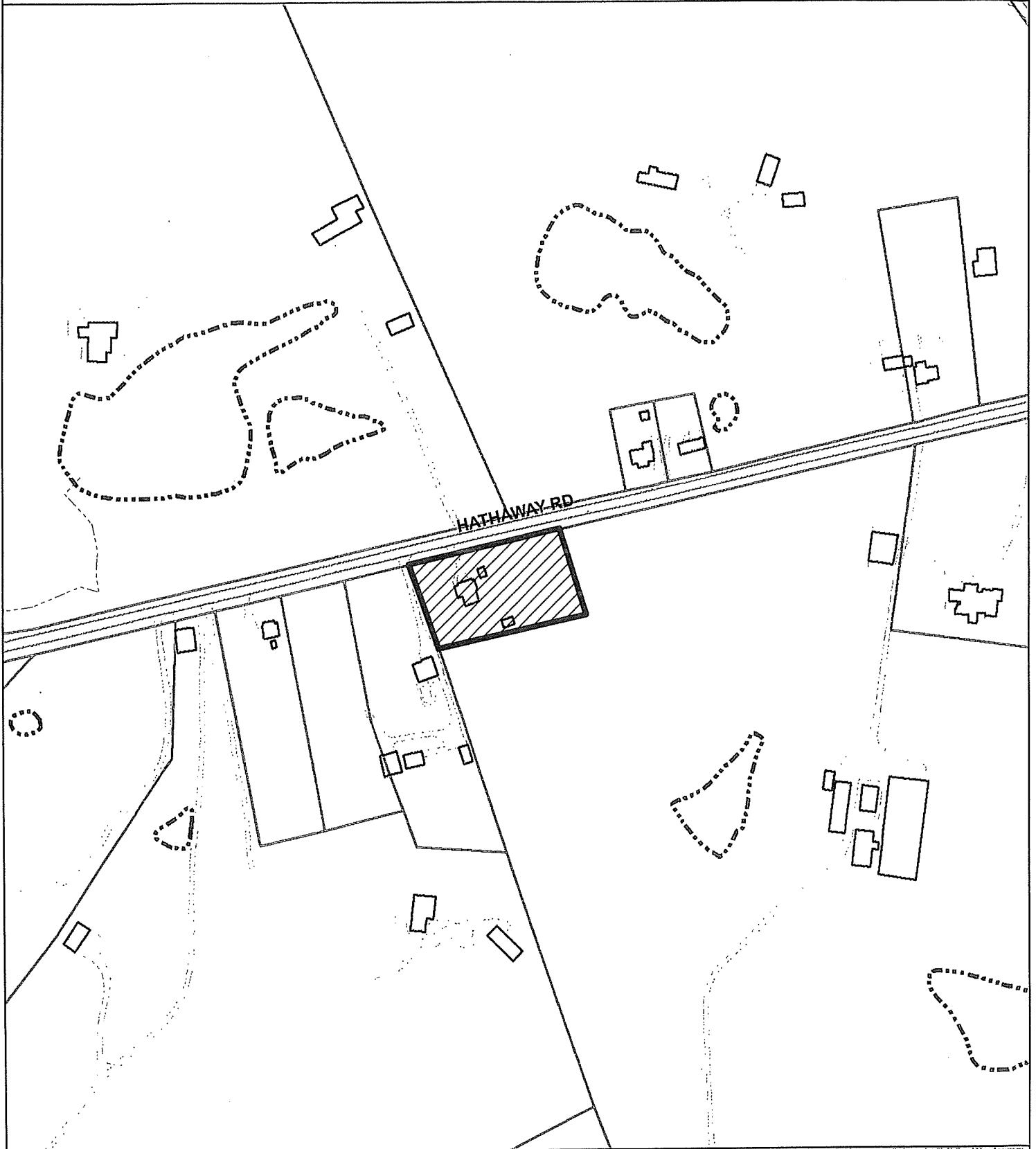
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Boone County Short Term Rental Permit Application
- *Concept Development Plan
- *Boone County Ordinance Number 2021-31

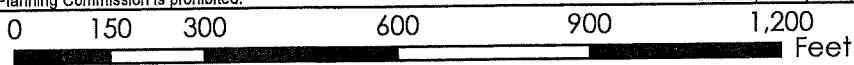
Vicinity Map

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



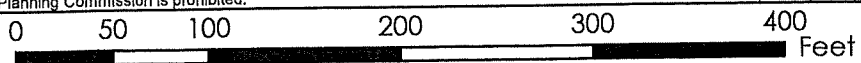
Aerial Map

www.boonecountygis.com



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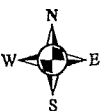
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1 inch = 100 feet

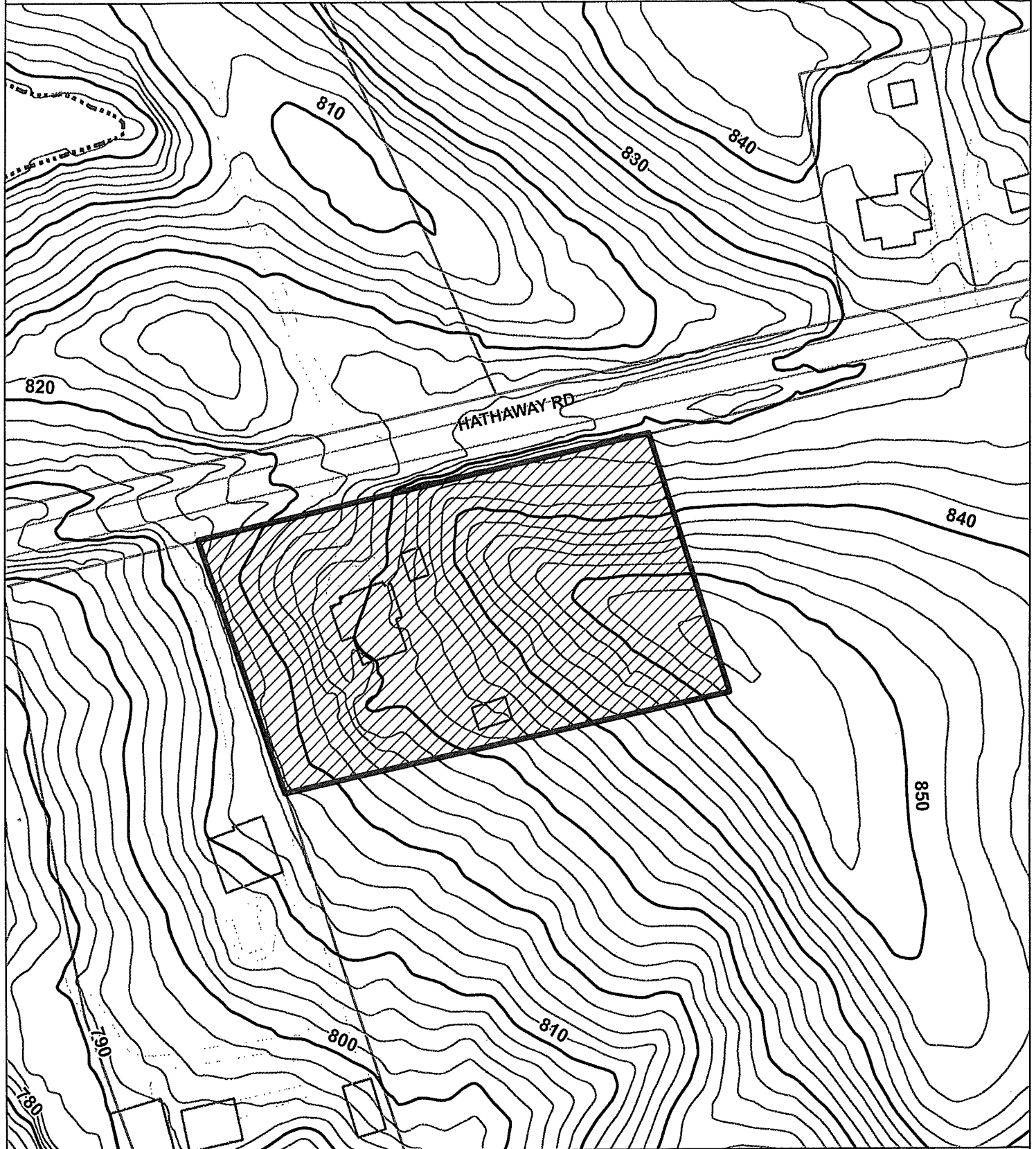


Boone County GIS - Putting Northern Kentucky on the Map



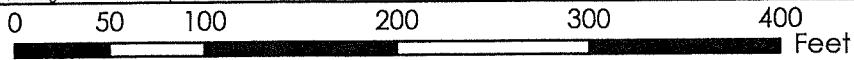
Topographical Map

www.boonecountygis.com



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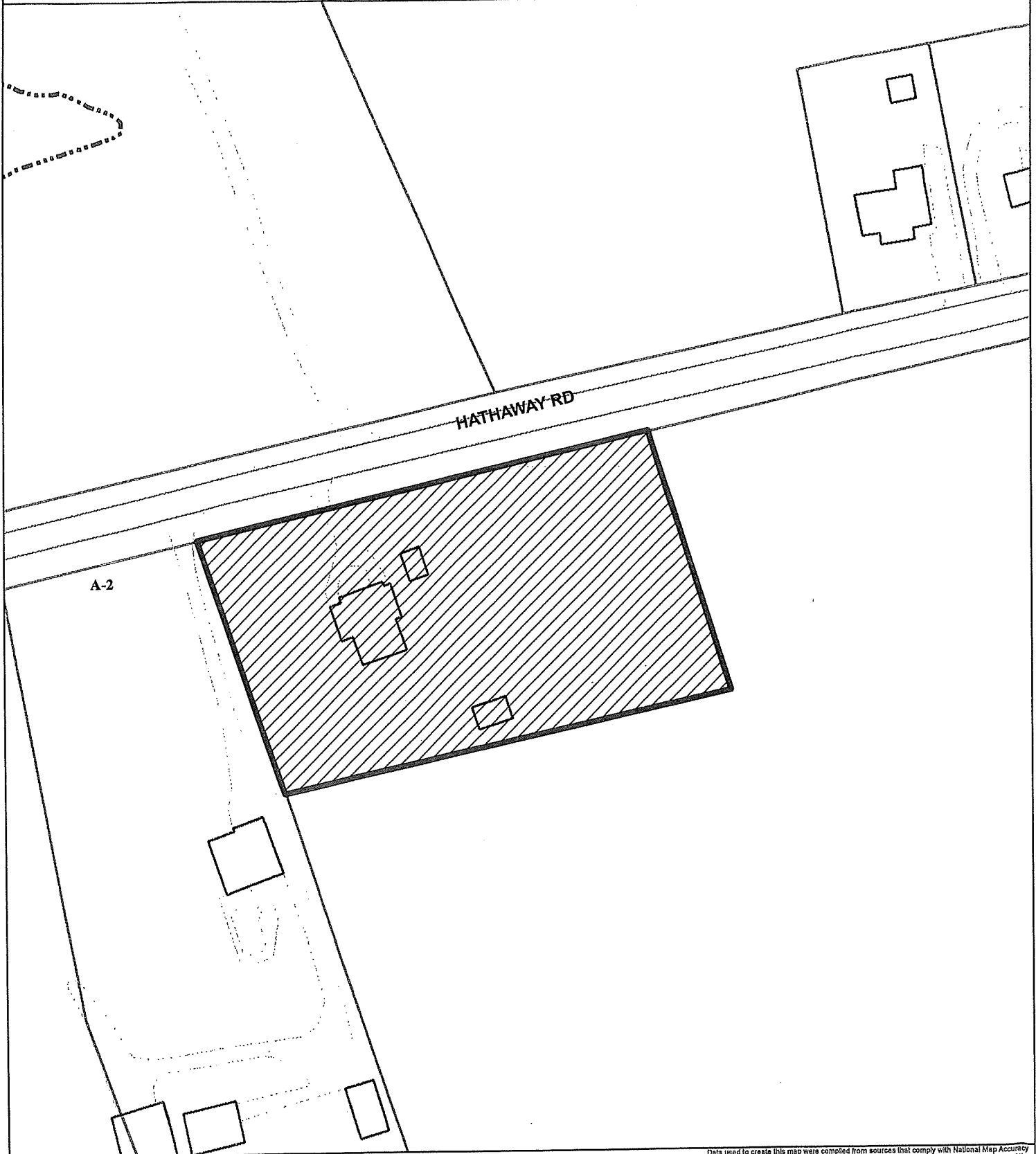
Boone County GIS

Map Created: xx/xx/2021

Map File: C:\work\GIS\2021\Map\Map.mxd
ArcMap Document: *.mxd

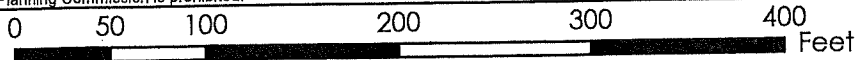
Zoning Map

www.boonecountygis.com



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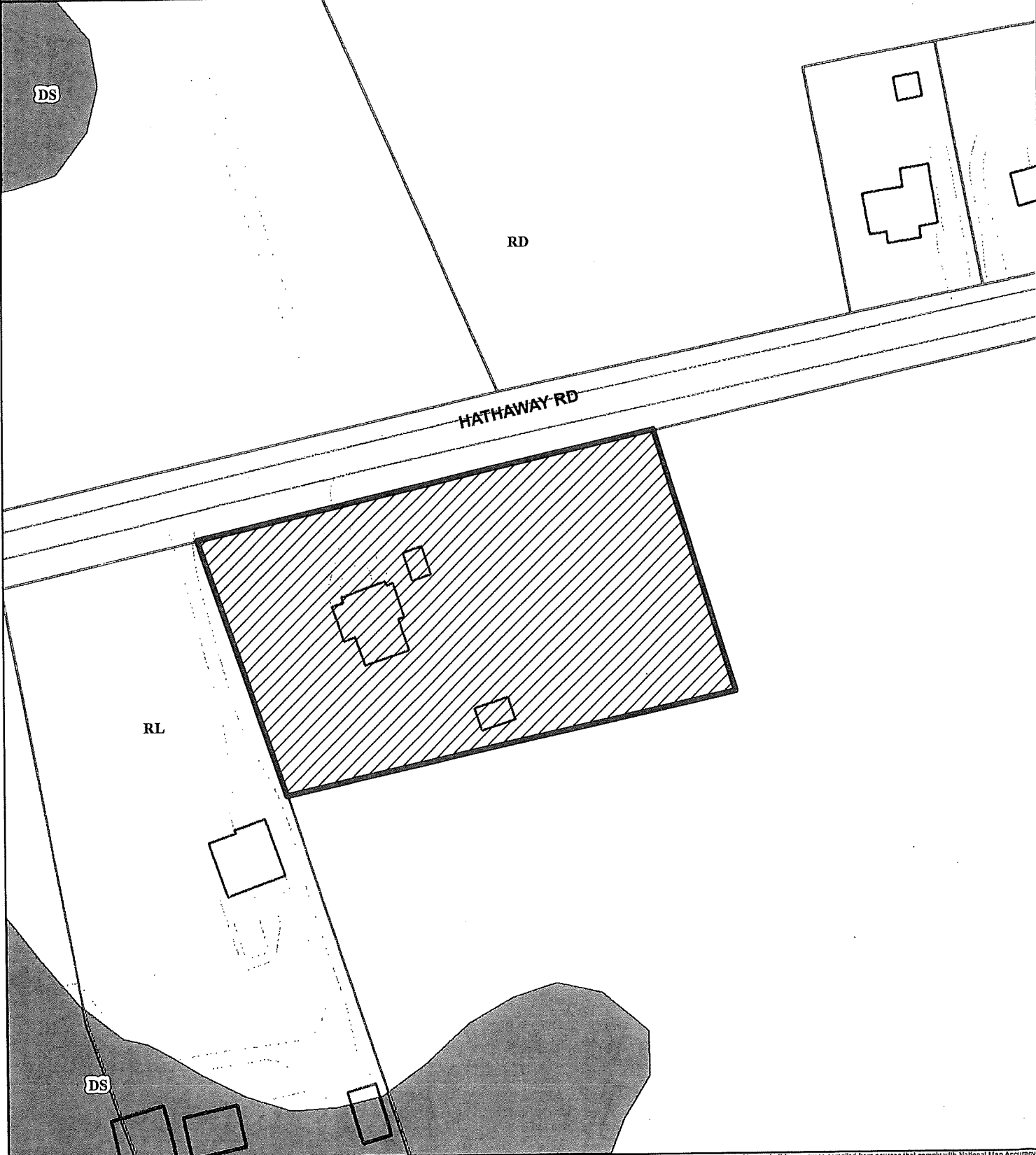
Boone County GIS



Map Created: xx/xx/2021
ArcMap Document: *.mxd

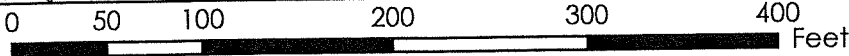
2040 Future Land Use Map

www.boonecountygis.com



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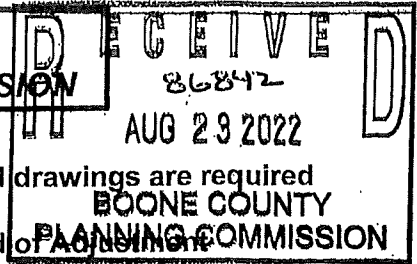


1 inch = 100 feet



Boone County GIS - Putting Northern Kentucky on the Map

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

SECTION A: (To be completed by applicant)

1. Check One Boone Florence Walton Union
2. Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant: Heather Johnson

Address: 3623 Hathaway Rd

Union Ky 41091
City State Zip Code

Phone Number: 859-802-~~8673~~⁷⁹³⁹ Fax Number: _____

Email: Johnsonracing at Fuse, Net

4. Description of Request: short term Rental use

5. Name of Development: NA

6. Location of Development: 3623 Hathaway Rd

Union Ky 41091
City State Zip Code

7. Acreage Under Review: _____

8. Lot Number and Name of Subdivision (if part of a subdivision): _____

9. Current Owner: Mark Johnson

Address: 3663 Hathaway Rd

Union Ky 41091
City State Zip Code

Phone Number: 859-802-8673 Fax Number: _____

Email: Johnsonracing at Fuse, Net

10. Proposed Use(s) on Site: Short Term Rental
11. Total Square Footage of Existing and/or Proposed Buildings: 1,477 House / 300 Garage
12. Current Zoning: A-2
13. 1154 814 2054
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 3/23/2022 Fee Received: \$766 Receipt #: B6842

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org



BOONE COUNTY
KENTUCKY

Short Term Rental Unit Permit Application

RECEIVED

AUG 19 2022

BOONE COUNTY
OCCUPATIONAL LICENSE DEPT.

Applicant Information

Applicant Name Heather Johnson

Home Phone _____ Cell 859-802-7939

Mailing Address 3663 Hathaway Rd

City Union State Ky Zip Code 41091

E-Mail Johnson racing at Fusc.net

Short Term Rental Unit Information

Short Term Rental Address 3623 Hathaway Rd Union Ky 41091

Number of Bedrooms: 3 Number of off-street parking spaces 6

Maximum Number Occupants Requested 8 (Maximum of 10 occupants)

Emergency Contact Information (Emergency Contact must be able to respond to property within one (1) hour)

Name ~~Heather~~ Mark Johnson

Mailing Address 3663 Hathaway Rd

City Union State Ky Zip Code 41091

Cell Phone 859-802-8673 Alternate Contact Number 859-802-7939

Email Address Johnson racing at Fusc.net

I acknowledge that I understand that a Short Term Rental is defined as the rental of residential dwelling unit, or a portion thereof, for a period of less than 30 days and must comply with all zoning regulations, conditional use permit conditions and the County Short Term Rental Ordinance requirements. HJ (initial)

Initial Permit Application

The following items are required to be submitted prior to the initial issuance of a Short Term Rental Permit. :

- Floor plan sketch
- Self-safety inspection form
- Certificate of Insurance
- Copy of information brochure
- Approved Conditional Use Permit (within 90 days after application)
- Boone County Occupational License (within 90 days after application)

Short Term Rental Permit Renewal

- For Short Term Rental Permit Renewals, the following items are required to be submitted with application:
- Certificate of Insurance
- Current Boone County Occupational License
- Updates to any other document initially submitted. If no revisions have been made, please initial here _____

I hereby affirm that the information provided on this form is accurate to the best of my knowledge

<u>Heather Johnson</u>	<u>Heather Johnson</u>	<u>8-15-2022</u>
Name (print)	Signature	Date

Please Return this Application to the Boone County Occupational License Department.
2950 Washington Street Box 960 Burlington, KY 41005

Office Use Only Below This Line

Boone County Planning Commission Approval: _____ Date _____

STRU License is: Approved Denied on this date _____

Boone County Fiscal Court _____ Date _____

Permit Number: _____



BOONE COUNTY
KENTUCKY

SHORT TERM RENTAL SAFETY CHECKLIST

Name: Heather Johnson
Address: 3663 Hathaway Rd Union Ky 41091
Phone number: 859-802-7939
Email: Johnsonracing at FVSC .Net
Address of STRU: 3623 Hathaway Rd Union Ky 41091

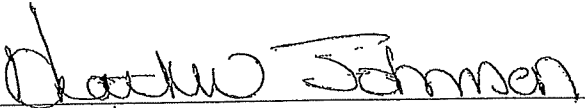
Please Check the Box for EACH Item Attesting that the Required Safety Item is Present on the Premises

1. A fire safety plan shall be posted on each level of the home and inside each bedroom. The fire safety plan shall include the following information:
- Phone number and procedures to report an emergency:
 - Boone Center 911 Emergency
 - Boone Center Non-Emergency 859-371-1234
 - Property Address
 - Floor Plans identifying the locations of the following Exits
 - Primary evacuation routes
 - Secondary evacuation routes
 - Name and phone number of an emergency contact for the property.
2. Portable fire extinguishers
3. The property address must be installed on the exterior of the home in a location that faces the road. The address numbers must be at least 4 inches in height.
4. Gas or other fuel fired appliances must have 36 inches of clearance. (No storage for 3ft)
5. Portable unvented fuel fire heating equipment is prohibited from use (No kerosene heaters)\
6. Electrical outlets, switches, junction boxes and any other electrical boxes must have cover plates.
7. No open unconnected wires are permitted. All open wiring must be in electrical junction boxes
8. Electrical panels require a minimum 36 inches in front of the panel. No storage shall be within this 36 inches.

- 9. Extension cords shall not be used for permanent wiring. Ensure that extension cord usage within the home is only for temporary use.
- 10. Holes in walls, ceilings and doors must be repaired.
- 11. A portable fire extinguisher must be present on every level of the home. A minimum size of 2A10BC is required.
- 12. Smoke Alarms are required to be installed in the following locations:
 - a. In every bedroom
 - b. outside of every bedroom
 - c. On every level of the home
 - d. Smoke detectors more than 10 years old shall be replaced.
- 13. Carbon Monoxide alarms shall be installed in the following locations:
 - a. Outside every bedroom
 - b. On every level of the home
- 14. Every bedroom shall have two means of exit. Either two exit doors or an exit door and window. If a bedroom does not have two means of exit then it may not be used for short term rental. The window must be at least 24 inches high and 20 inches wide. The window may not be more than 44 inches from the floor. A bedroom exit door may not be less than 28 inches in width and 81 inches in height.
- 15. All windows and doors must operate and able to be opened.
- 16. The exterior of all exits shall be free of obstructions.
- 17. Flammable liquid storage in excess of 10 gallons shall be stored in an approved flammable liquids cabinet. No flammable liquids shall be stored under steps.

By signing below, I acknowledge completion of the checklist and have ensured that the structure meets all of the required fire and life safety code requirements as a condition of the rental permit application.

Printed name: Heather Johnson Date: 8-15-2022

Signature: 



BOONE COUNTY ZONING REGULATIONS

ARTICLE 31 SUPPLEMENTAL PERFORMANCE STANDARDS

SECTION 3191 Standards for Short Term Rentals (Applies to Unincorporated Boone County and the City of Florence Only)

- A. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
- B. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
- C. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:
 - 1. There shall be a maximum occupancy of ten (10) persons, adult and children.
 - 2. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
- D. In addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
- E. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- F. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.
- G. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
- H. It shall be unlawful:
 - 1. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only)
 - 2. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
 - 3. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
 - 4. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)

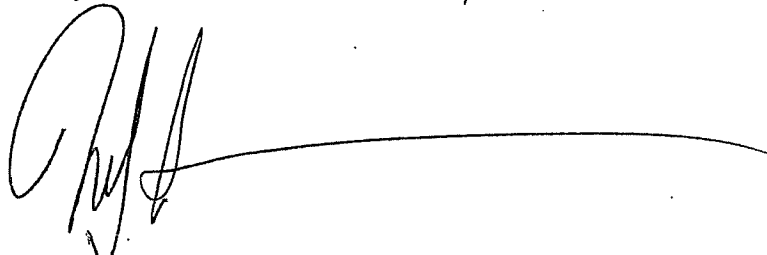


BOONE COUNTY
PLANNING COMMISSION

5. To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 6. To operate a short term rental without paying the required hotel occupancy taxes.
 7. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)
 8. To fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
 9. Permit the use of the short term rental for any illegal purpose or any use not permitted by the residential zoning regulations.
- i. Depending on the scope of improvements, a Zoning Permit or Tenant Finish Permit per ARTICLE 4, or a Minor Site Plan or Major Site Plan per ARTICLE 30, shall be submitted to and approved by the Planning Commission prior to constructing any improvements and operating a short term rental.

Effective on: 12/15/2020

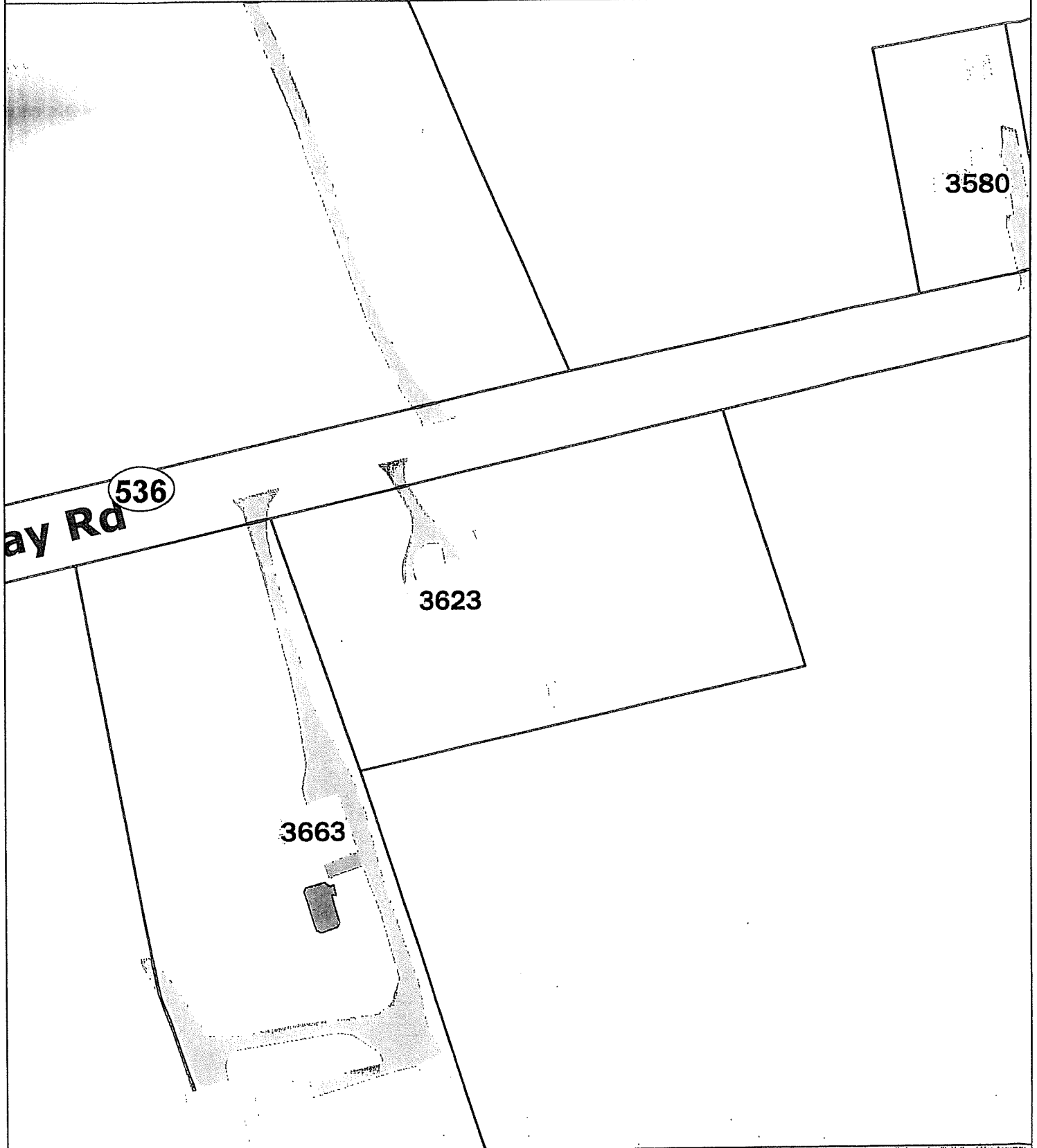
We will comply



Heather Johnson

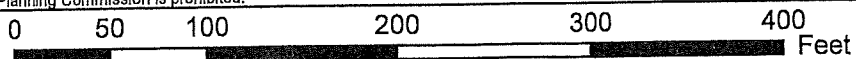
Boone County GIS Map

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1 inch = 100 feet

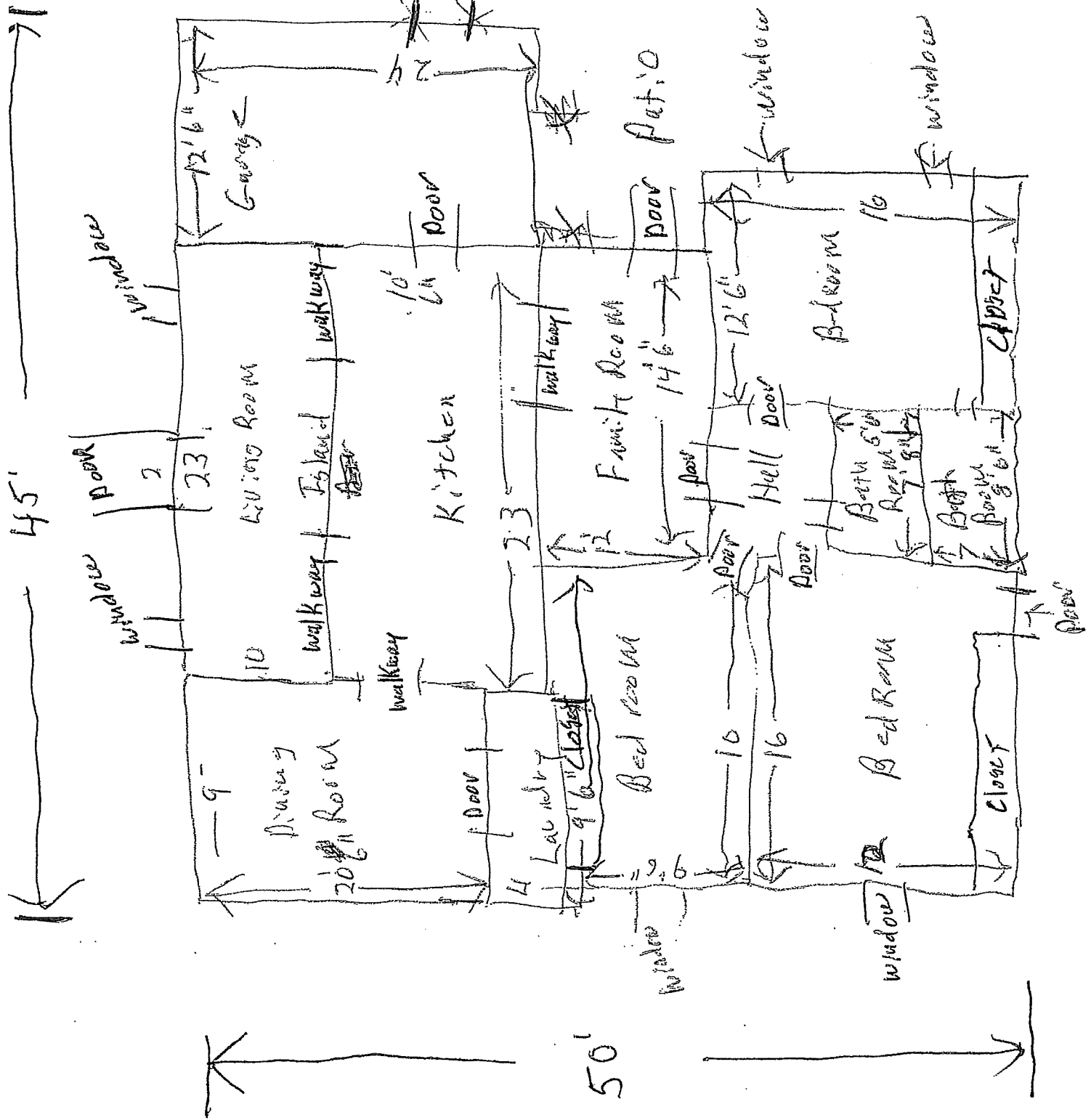


Boone County GIS - Putting Northern Kentucky on the Map



Map Created: xj/xj/2022

ArchMap Document: *.mxd



ORDINANCE 2021-31

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO THE ENACTMENT OF LICENSING REGULATIONS FOR SHORT TERM RENTALS.

WHEREAS, the Boone County Fiscal Court previously determined that a need existed to provide regulations for Short Term Rentals (STR) in order to allow property owners to utilize their properties for that purpose in a manner which would not negatively impact the property of others; and

WHEREAS, the Boone County Planning Commission staff conducted a study of the issue and presented their findings to the Boone County Planning Commission; and

WHEREAS, The Boone County Planning Commission approved a series of text amendments to Articles 6, 7, 8, 9, 16, 20, 23, 25, 31, and 40 of the Boone County Zoning Regulations to: (1) define "short term rental"; (2) allow "short term rentals" in agriculture, recreation, conservation, residential, Employment Planned Development/Residential Planned Development (EPD/RPD), Union Commercial (UC) and Small Community Overlay (SC) zones; and (3) add supplementary performance standards for "short term rentals; and

WHEREAS, the regulations contained in this Ordinance will be implemented in conjunction with the text amendments to the Boone County Zoning Regulations adopted in Ordinance 2021-29, which will be enacted concurrently with this Ordinance; and

WHEREAS, the Boone County Fiscal Court has determined that regulations are necessary to protect the public health, safety and general welfare.

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

Section One

The Boone County Code of Ordinances is hereby amended and modified to include the following provisions:

Short Term Rental Requirements

Section 1. Purpose and Applicability

The purpose of this Ordinance is to establish regulations for the registration and use of Short Term Rentals, as defined herein, located in zoning districts in which Short Term Rentals are permitted as a principally permitted use and in zoning districts where Short Term Rentals have been approved as a conditional use and an application for conditional use has been approved by the Boone County Board of Adjustments and Zoning Appeals.

Section 2. Definitions

The following words, terms or phrases, when used in this Ordinance, shall have the meanings subscribed to them in this section except where the context clearly indicates a different meaning or where a definition is otherwise given:

Advertise means the written, audio, oral, or other methods of drawing the public's attention whether by brochure, written literature, or on-line posting to a Short Term Rental in order to promote the availability of the Short Term Rental.

Local Emergency Contact means an individual, other than the applicant, who is able and available to respond to emergency calls for service within one (1) hour and who is designated by the owner/applicant to act as the owner's authorized agent if the owner is outside of the immediate area or is otherwise unavailable. The local emergency contact should be available on a 24-hour basis, have access to the Short Term Rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership, or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person.

Permit means the Short Term Rental (STR) Permit which all persons must obtain from the County and keep in force in order to operate Short Term Rentals.

Short Term Rental (STR) is defined as the rental of a residential dwelling unit; or a portion thereof, for a period of less than 30 days. The term does not include:

1. a unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
2. a bed and breakfast; or
3. a hotel/residence hotel.

Residential Zoning Districts: Includes all Boone County zoning districts for which Short Term Rentals are a permitted use or conditional use.

Section 3. Short Term Rental Registration Requirements and Permits

No person shall hereafter advertise, offer to rent or rent, lease, sublease, license, or sublicense a residential property within the unincorporated areas of Boone County as a Short Term Rental until an application has been properly made and a permit obtained from the county. STR owners shall obtain and keep in force a Boone County Short Term Rental Permit ("Permit") under the following terms and conditions:

- a) Applications for the Permit shall be submitted to the Boone County Occupational License Office. In zoning districts where SRT is identified as a conditional use, an application shall be submitted to the Occupational License prior to applying for a Conditional Use Permit through the Boone County Board of Adjustment and Zoning Appeals. Applications for the Permit will be considered in the order in which they are received by the Occupational License Office. Failure to obtain a Conditional Use Permit from the Boone County Board of Adjustment and Zoning Appeals, within 90 days of the permit application, shall invalidate the application for the permit.

Application forms shall require, but not be limited to, the following information:

- 1) Name, address, phone number, and e-mail address of the owner of the Short Term Rental property.
 - 2) Verification that the applicant is the owner.
 - 3) Name, address, phone number, and e-mail address of the designated Local Emergency Contact.
 - 4) The maximum number of occupants requested for the dwelling unit or sleeping room in accordance with this Ordinance and consistent with the number permitted by zoning regulations.
 - 5) A submission of a sketch floor plan of the dwelling with dimensioned room layout.
 - 6) Self-Safety Inspection Form indicating all proper safety devices are in place and in good working order.
 - 7) Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys; other public rights-of-way or public property.
 - 8) Applicant shall provide with the application a certificate of insurance or other valid proof of general liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity.
 - 9) Applicant shall attest to compliance and remain in comply with all aspects of applicable provisions of the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association, currently adopted edition), and all other applicable state, federal, or local laws or regulations.
- b) Applicant shall obtain an occupational license from Boone County prior to being issued a Short Term Rental Permit and a valid occupational license is required for any subsequent STR renewal.
- c) The Short Term Rental Permit shall be issued for a period that coincides with the calendar year (January 1- December 31). The initially issued permit shall expire on December 31 of the year it was issued 365 calendar days after its effective date, or upon a date on which the applicant no longer qualifies as an STR Operation as defined herein. The Permit may be renewed for successive 365-calendar year day periods so long as the applicant continues to qualify for issuance of the Permit. Applications for subsequent STR permits may be filed sixty (60) days prior to December 31 of the current permit year. Applications for renewal periods shall be made to the Occupational License Office on forms approved by the county. The fee for the Initial permit period year, payable at the time of application, shall be \$300.00 for the calendar year, pro-rated by month for the period of January 1st to the first (1st) day of the month in which the application is received. The fee for any each consecutive subsequent permit period year, payable at the time of application by January 1, shall be \$200.00.
- d) Upon receipt of an application for renewal of the registration, the County Administrator or other designee may deny the renewal if there is reasonable cause to believe that:
1. The Owner has violated any ordinance of the County or any state or federal law on the premises or has permitted such a violation on the premises by any other person; or
 2. There are grounds for suspension, revocation, or other registration sanction as provided in this Ordinance.
 3. The Owner fails to apply for, be issued or appropriately renew a Boone County Occupational License or timely file occupational license returns or remit appropriate payment.
- e) Any Permit issued under the provisions of this Ordinance may be revoked by the County

Administrator, or their designee, upon a showing that the Permit holder has violated any of the provisions of this Ordinance. Revocation shall be by written notice which describes the reasons for the revocation. The written notice of revocation shall be delivered to the Permit holder in person or by regular mail sent to the address listed on the application. If a Permit is revoked, and the applicant desires to contest the revocation, a hearing before the Fiscal Court may be scheduled by filing with the Occupational License Office a written request for hearing within 15 calendar days of the issuance of the revocation notice. The hearing before the Fiscal Court shall be conducted within 30 days of filing of such request.

Section 4. Self Safety Inspection Required

As part of the application process, the owner is required to perform a Short Term Rental Fire Safety Inspection and provide a Checklist for the structure.

Section 5. Restrictions on Short Term Rentals

- A. *Use.* Short Term Rentals shall only be permitted consistent with the Boone County Zoning Regulations.
- B. *External Signage.* There shall be no external on-site or off-site advertising signs or displays indicating the property is a Short Term Rental.
- C. *Non Dwelling Units.* Short Term Rentals shall not be allowed on any area not considered a primary dwelling, i.e. recreational vehicles, tents, garages, boats, etc.
- D. *Limit on occupants allowed.* No more than two (2) adult guests per bedroom, plus no more than two (2) additional adults shall be allowed when renting a property as a Short Term Rental, except that:
 1. There shall be a maximum occupancy of no more than ten (10) persons, adult and children.
 2. Bedrooms under 120 square feet shall be limited to only one adult occupant.
- E. *Limits on number of vehicles.* A minimum of one (1) parking space shall be provided per guestroom or suite. All parking for a short term rental, shall be provided off-street on a paved surface and in conformity with all applicable zoning regulations.
- F. *Advertisement and contracts.* Any advertisement of the property as a Short Term Rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- G. *Spacing Requirements.* The property on which the Short Term Rental is to be located shall not be closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line on another approved short term rental.
- H. *Other restrictions.* It is unlawful:
 1. To operate or allow to be operated a Short Term Rental without first obtaining a Short Term Rental Permit for the property in which the rental is to occur with the unincorporated limits of the county in accordance with this Ordinance and a Boone County Occupational License;
 2. To advertise or offer a Short Term Rental without first obtaining a Short Term Rental Permit and Boone County Business License;
 3. To operate a Short Term Rental that does not comply with all applicable County and state laws and codes;
 4. To operate a Short Term Rental without paying the required hotel occupancy taxes;
 5. To fail to include a written prohibition against the use of a Short Term Rental for having activity on the premises that includes individuals who are not guests as part of

- the rental agreement in every advertisement, listing, or other publication offering the premises for rent.
6. Knowingly permit the use of the Short Term Rental for any illegal purpose or any use not permitted by Residential Zoning Regulations.

Section 6. Information Brochure

A. *Information to be provided.* Each owner operating a Short Term Rental shall provide to guests information that includes:

1. Owner's twenty-four (24) hour contact information and/or a local responsible party's twenty-four (24) hour contact information, if the property owner is not within the county limits when guests are renting the premises;
2. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
3. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural, or man-made disaster alerts and updates.
4. Policy regarding pet(s).

Section 7. Safety Features

Each Short Term Rental property shall have working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall otherwise comply with applicable county ordinances.

Section 8. Enforcement, Civil Fine and Lien

- A. The provisions of this Ordinance may be enforced by a Boone County Code Enforcement Officer, Building Inspector or any sworn law enforcement officer.
- B. A notice of violation detailing the ordinance violations shall be served upon the owner of the structure either personally, by hand delivery to an adult eighteen (18) years or older at the premises or by certified mail to the address of record for purpose of payment of real estate taxes. If the whereabouts of such person is unknown and cannot be ascertained after an exercise of reasonable diligence, then an affidavit to that effect may be made and service shall then be by posting in a conspicuous place upon the involved structure and by publication pursuant to KRS Chapter 424, hereafter "publication or publication of notice."
- C. If after seven (7) days of receiving notice of a violation of this ordinance, the owner of property in unincorporated Boone County remains in non-compliance, a citation shall be issued by a Boone County Code Enforcement Officer, Building Inspector or any sworn law enforcement officer and notice provided to the Boone County Occupational License Office. Each day the property is not in compliance shall constitute a separate offense. In every instance where a violation of the same type occurs more than once in a 365 day period at the same premises, a citation shall be issued immediately by the Boone County Code Enforcement Officer, Building Inspector or any sworn law enforcement officer.
- D. **Penalty. Civil Fine** -Any person, persons, corporation or partnership who violate the provisions of this chapter shall be fined \$200 per instance. Any person, persons, corporation or partnership who violate the provisions of this chapter more than once in a 365 day period shall be fined \$500 for each subsequent violation within a 365 day period.
- E. Boone County shall possess a lien on the relevant real property for all assessed and unpaid

- civil fines and for all associated charges and fees.
- F. An appeal of any citation issued under this chapter may be made to the Boone County District Court within thirty (30) days of the date the citation is issued. The appeal shall be initiated by the filing of a complaint and copy of the citation in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

SECTION TWO

If any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

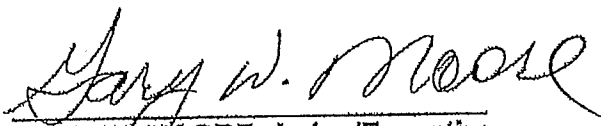
SECTION THREE


This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading- the 26 day of August, 2021

Second Reading - the 14th day of September, 2021

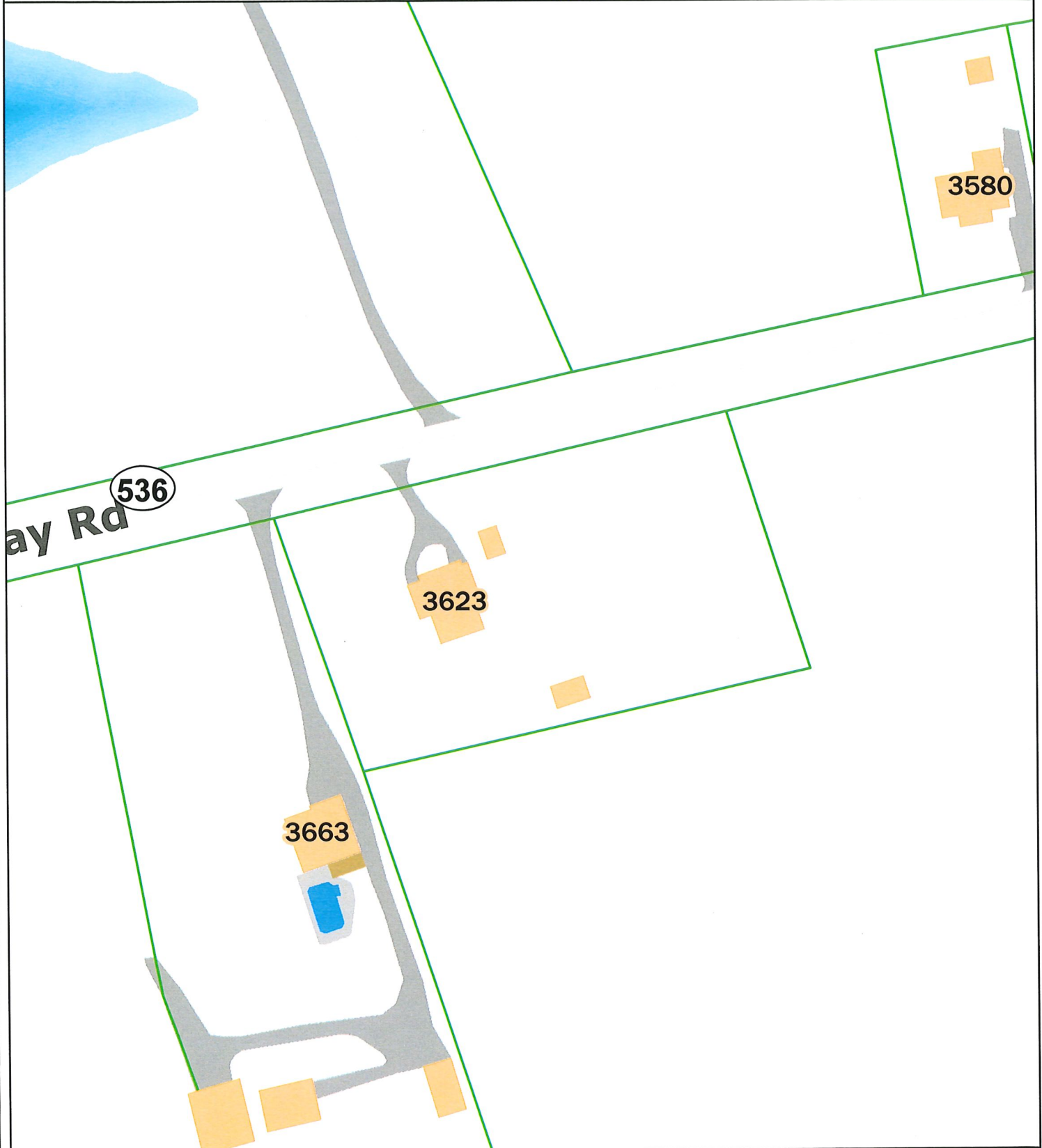
Adopted this: 14th day of SEPTEMBER, 2021. Yes 4 No 0


GARY W. MOORE, Judge/Executive
Boone County Fiscal Court

Attest:

JEFFREY S. EARLYWINE,
Acting Fiscal Court Clerk

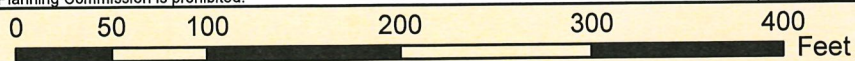
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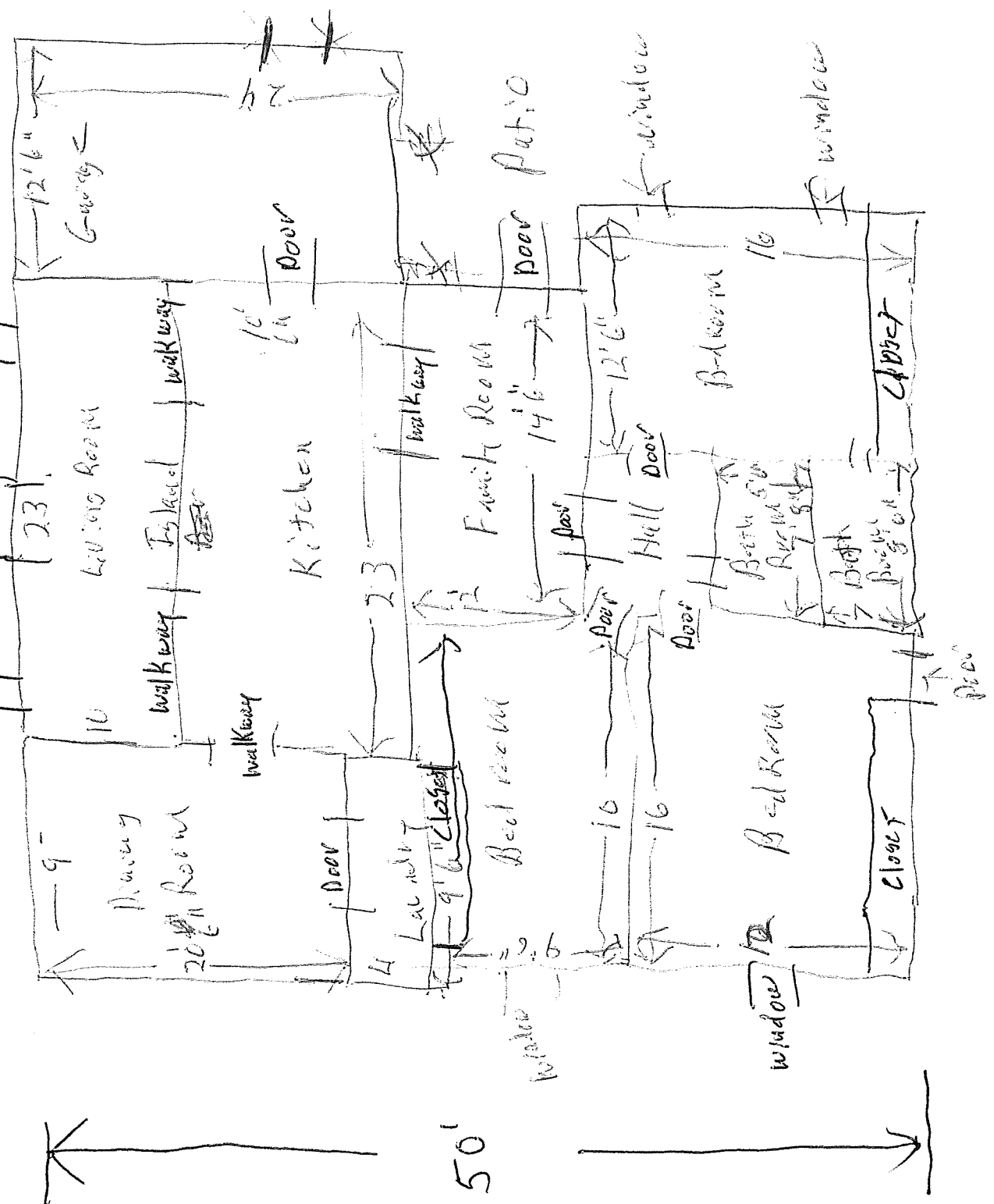


Boone County GIS - Putting Northern Kentucky on the Map

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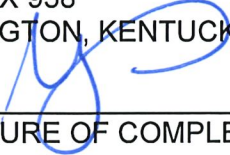


50'

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Mark Johnson
3663 Hathaway Rd
Union, KY 41091
- 2. ADDRESS OF PROPERTY
3623 Hathaway Rd
Union, KY 41091
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Johnson Short Term Rental
- 4. DEED BOOK 1154 PAGE NO. 814 GROUP NO. 2054
- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: From _____ To _____ Conditional Use Permit
 Development Plan Conditional Zoning
 Subdivision Plat (Not Recorded) Other:
 Variance
- 6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Michael D. Schwartz, Director, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY


COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Michael D. Schwartz on behalf of the Boone
County Planning Commission this 16th day of September, 2022.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustment and in accordance with the current zoning in effect as of September 14, 2022, Certificate of Land Use Restriction (#22-BCBOA-026-A), for Mark Johnson, Property Owner(s).

The following conditions will apply:

1. There shall be no more than seven (7) guests at any given time.
2. A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short-term rental.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1154

PAGE NO. 814

GROUP NO. 2054