

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

**BOONE COUNTY
PLANNING COMMISSION**

Five (5) sealed 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: Caledonia Cottage, LLC (Jeffrey Coppage, member)
Address: 1500 Caledonia Court
Hebron KY 41048
City State Zip Code
Phone Number: 859-786-2921 Fax Number: _____
Email: jscoppage@gmail.com
4. Description of Request:
We would like to apply for a conditional use permit in order to be able to obtain a short term rental permit for our home in Hebron, Kentucky.
5. Name of Development: Thornwilde
6. Location of Development: Caledonia Court
Hebron KY 41048
City State Zip Code
7. Acreage Under Review: 0.75 acres
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 795, Thornwilde Crossings
9. Current Owner: Jeffrey Dale Coppage & Sara Catherine Coppage
Address: 5875 Chinquapin Hill Road
Petersburg KY 41048
City State Zip Code
Phone Number: 859-786-2921 Fax Number: _____
Email: jscoppage@gmail.com

Short term rental

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 4605 sq. ft
12. Current Zoning: SR-1
13. D1142 1142 143-146 143 5562 2004
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: [Signature] [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Caledonia Cottage LLC [Signature] Member
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

1. Date Received: 10/21/22 Fee Received: \$ 816 Receipt #: 87225
2. Is application complete: _____
3. Staff Reviewer: M. Schwartz
4. Scheduled Board Action Date: 12/19/2022
5. Board Action: 12/19/2022
 Approved
 Approved with Conditions (see #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: See Minutes

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@boonecountky.org
www.boonecountky.org

STAFF REPORT

#1

APPLICANT: Caledonia Cottage LLC, per Jeffrey Coppage

LOCATION: 1500 Caledonia Court, Boone County, Kentucky

ZONING: Residential Planned Development (RPD)

DATE: December 19, 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

- 2003 On April 22, 2003, the Boone Fiscal Court adopted Ordinance Number 03-14, changing the zoning of the site from SR-1 to RPD (R-03-006-A).
- 2018 On March 13, 2018, the Boone Fiscal Court adopted Ordinance Number 2018-04, approving a Change of Concept Development Plan for the site (R-18-001-A).
- 2019 On July 12, 2019, the Boone County Planning Commission staff approved a Final Plat for Thornwilde Subdivision, Section 53, creating the lot in question.
- 2019 On August 27, 2019, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a detached single-family residential dwelling on the site.

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 Section 262 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 able to provide adequately such services;

- e. 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.

C. Section 1600 of the Boone County Zoning Regulations states that "The intent of this Article is to provide a more flexible and creative zoning procedure, which offers a variety of land uses only if they are properly designed and community impacts are addressed. Unlike ARTICLE 15, this Article does not have an underlying zoning district. This article allows for the combination of differing uses not normally located near each other under conventional zoning, but would permit these combinations of uses if design standards or controls are in place to make the proposed uses compatible. ARTICLE 16 is established to allow an applicant the opportunity to design and construct a planned development, which ties more closely with all of the Elements in the Boone County Comprehensive Plan and encourages cluster development instead of suburban sprawl where convenience is the result of different uses locating next to each other. Clustered development is typically defined as the placement of structures (attached or detached), utilities and roads in close proximity to each other, which is normally not permitted under conventional zoning regulations or subdivision regulations in order to make cost effective use of infrastructure, to preserve or enhance certain natural characteristics of the land, and to create more substantial and useable open spaces. This unique type of development usually occurs as a result of the size of a parcel of land, the existing topography of a parcel, the high cost of public improvements, or other natural conditions of a parcel. Clustered development can be represented in many forms with regard to residential, recreational, commercial, office and industrial uses."

D. Section 1602 of the Boone County Zoning Regulations identifies states that short term rentals in residential dwelling units are a Conditional Use in existing Residential Planned Development districts and are subject to the Conditional Use Permit procedure in ARTICLE 2 and the Standards for Short Term Rentals in SECTION 3191.

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 “Suburban Density Residential” uses, which is described as single family housing of up to four units 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. Caledonia Court is a County maintained local cul-de-sac street, providing for two way traffic within two driving lanes. A sidewalk exists on the north side of the roadway.

SITE CHARACTERISTICS

- A. The approximate 0.67 acre area is located at the terminus of Caledonia Court, approximately 300 feet east of Northcross Drive.
- B. The site has 80 feet of frontage along Caledonia Court and 196.22 feet of frontage along Thornwilde Drive.
- C. Access to the site is provided by one curb cut onto Caledonia Court.
- D. The site is currently occupied by a detached, two-story, residential structure with a two (2) car attached garage and a one (1) car attached garage.
- E. The existing driveway extends approximately one hundred (100) feet from Caledonia Court, accommodating five (5) cars. There are four (4) additional parking spots in front of the garages.
- F. Topographically, the site slopes downward from front to back at an average grade of 23%.

SURROUNDING LAND USES AND ZONING

North: HOA open/green space (RPD)
South: Thornwilde Drive, HOA open/green space, and Single family residential dwellings (RPD)
East: HOA open/green space (RPD)
West: HOA open/green space and Single family residential dwellings (RPD)

PROPOSED DEVELOPMENT

- A. The applicant is proposing to use the five (5) bedroom dwelling as a short term rental.

STAFF COMMENTS

- A. The site is located approximately 1.2 miles from North Bend Road.

- B. From North Bend Road, it will take two (2) turning movements to get to the site.
- C. The area to the north and east of the site is an HOA open/green space area that is heavily wooded.
- D. There is only one (1) adjacent house to the site in question.
- E. The applicant has stipulated that they will adhere to the requirements of the supplemental regulations/standards for 'Short Term Rentals' (Section 3191).
- F. The site is located approximately 22,000 feet from the nearest approved Short Term Rental.
- G. Section 3191.C of the zoning regulations states that there shall be no more than two (2) adults per bedroom, plus no more than two (2) additional guests.

Based on the five bedrooms, the house can accommodate twelve (12) guests.

Section 3191.C.1 of the zoning regulations limit the maximum capacity to ten (10) persons.

- H. 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 ten (10) 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

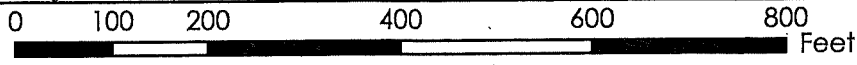
Vicinity Map

www.boonecountygis.com



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1 Inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

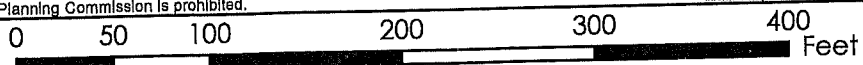
Aerial Map

www.boonecountygis.com



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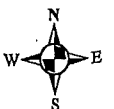
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1 Inch = 100 feet



Boone Coun



Map File: C:\work\boone\boone.mxd
ArcMap Document: *.mxd

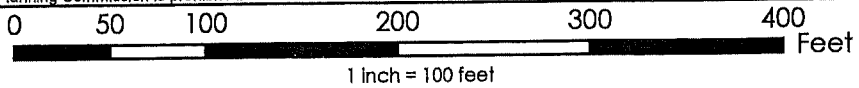
Topographic Map

www.boonecountygis.com



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Boone County GIS



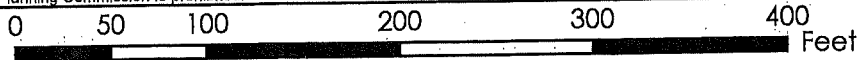
Zoning Map

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1 inch = 100 feet

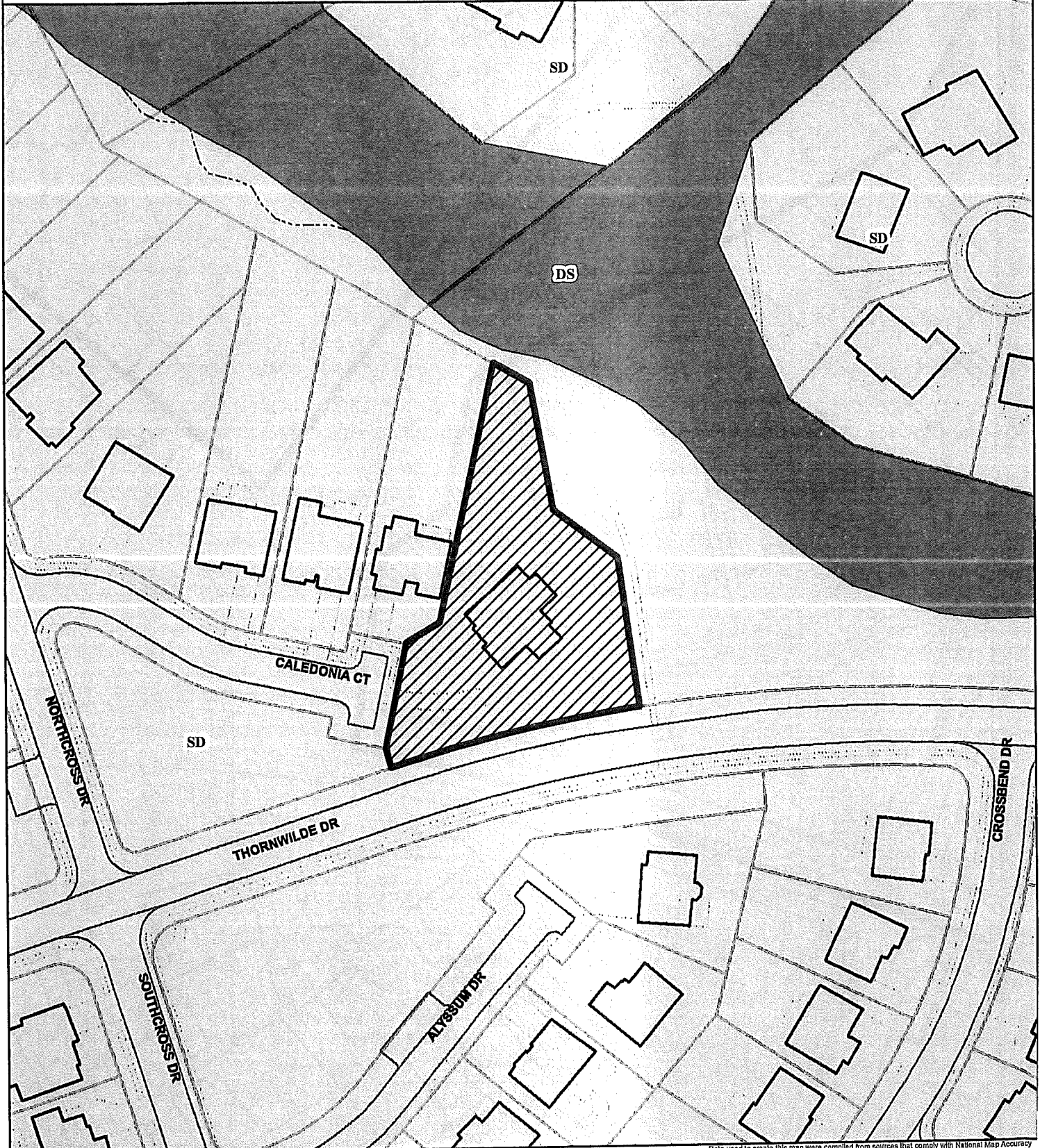


Boone County GIS



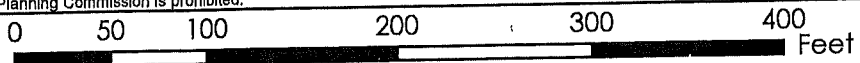
2040 Future Land Use Map

www.boonecountygis.com



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1 Inch = 100 feet



Boone



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

Short term rental

10. Proposed Use(s) on Site: _____
11. Total Square Footage of Existing and/or Proposed Buildings: 4605 sq. ft
12. Current Zoning: SR-1
13. D1142 143-146 5562
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: [Signature] [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: Caledonia Cottage LLC [Signature] - Member
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



BOONE COUNTY
KENTUCKY

Short Term Rental Unit Permit Application

Applicant Information

Applicant Name Caledonia Cottage, LLC (Jeffrey Coppage, member)

Home Phone 859-757-1220 Cell 859-786-2921

Mailing Address 5875 Chinquapin Hill Road

City Petersburg State KY Zip Code 41080

E-Mail jscoppage@gmail.com

Short Term Rental Unit Information

Short Term Rental Address 1500 Caledonia Court, Hebron, Kentucky 41048

Number of Bedrooms: 5 Number of off-street parking spaces 5

Maximum Number Occupants Requested 10 (Maximum of 10 occupants)

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

Name Elizabeth Craver

Mailing Address 2529 Chateaugay Court

City Burlington State KY Zip Code 41005

Cell Phone 859-444-1866 Alternate Contact Number _____

Email Address beth.craver@ymail.com

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. _____ (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)

Home is in RPD so should not require conditional use permit according to guidelines

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

Caledonia Cottage, LLC (Jeffrey Coppage, member) _____

Name (print)

Signature

Date

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

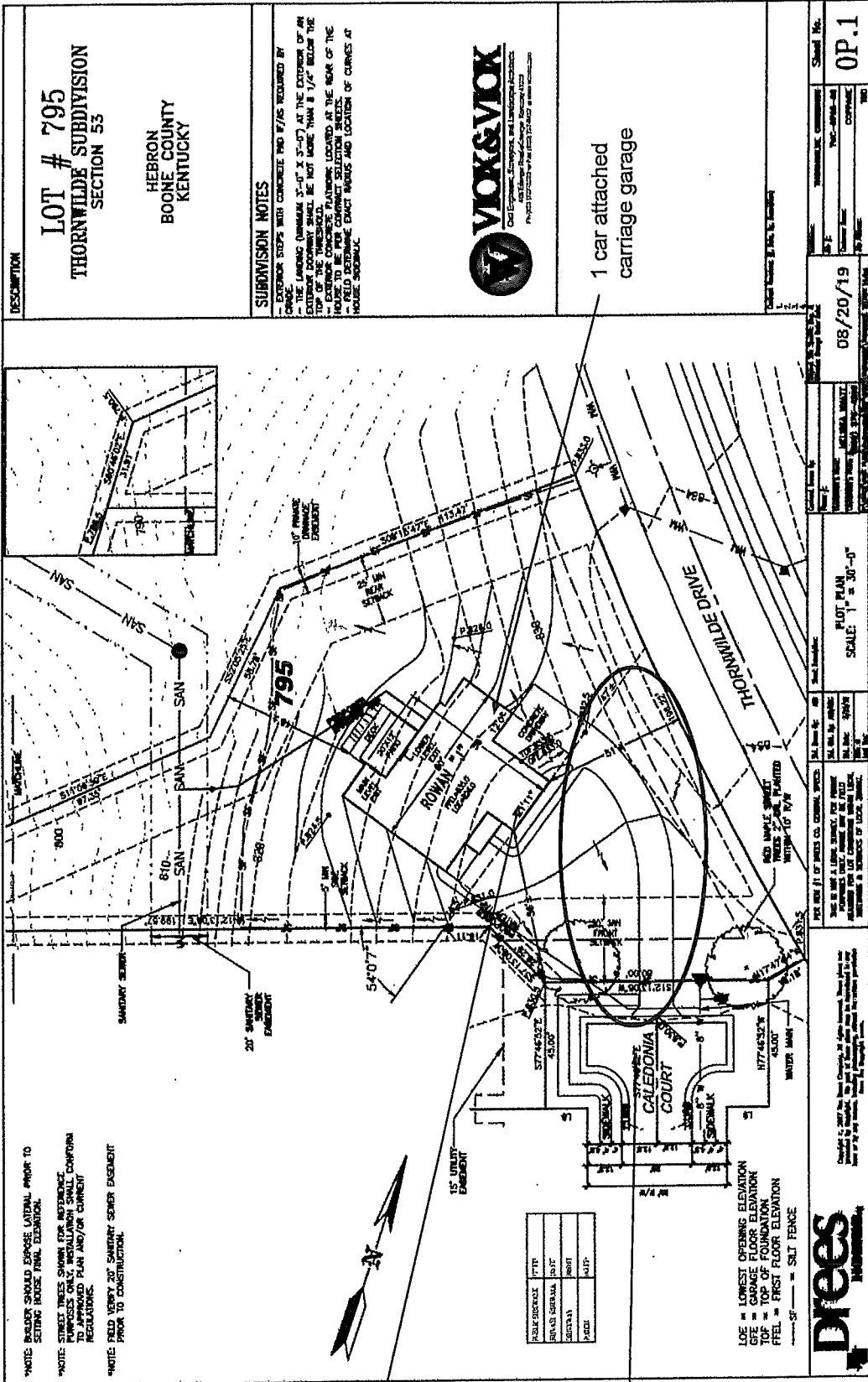
Office Use Only Below This Line

Boone County Planning Commission Approval: _____ Date _____

STRU License is: Approved Denied on this date _____

Boone County Fiscal Court _____ Date _____

Permit Number: _____



Parking site plan:
 1500 Caledonia
 Court, Hebron KY

2 car attached
 garage

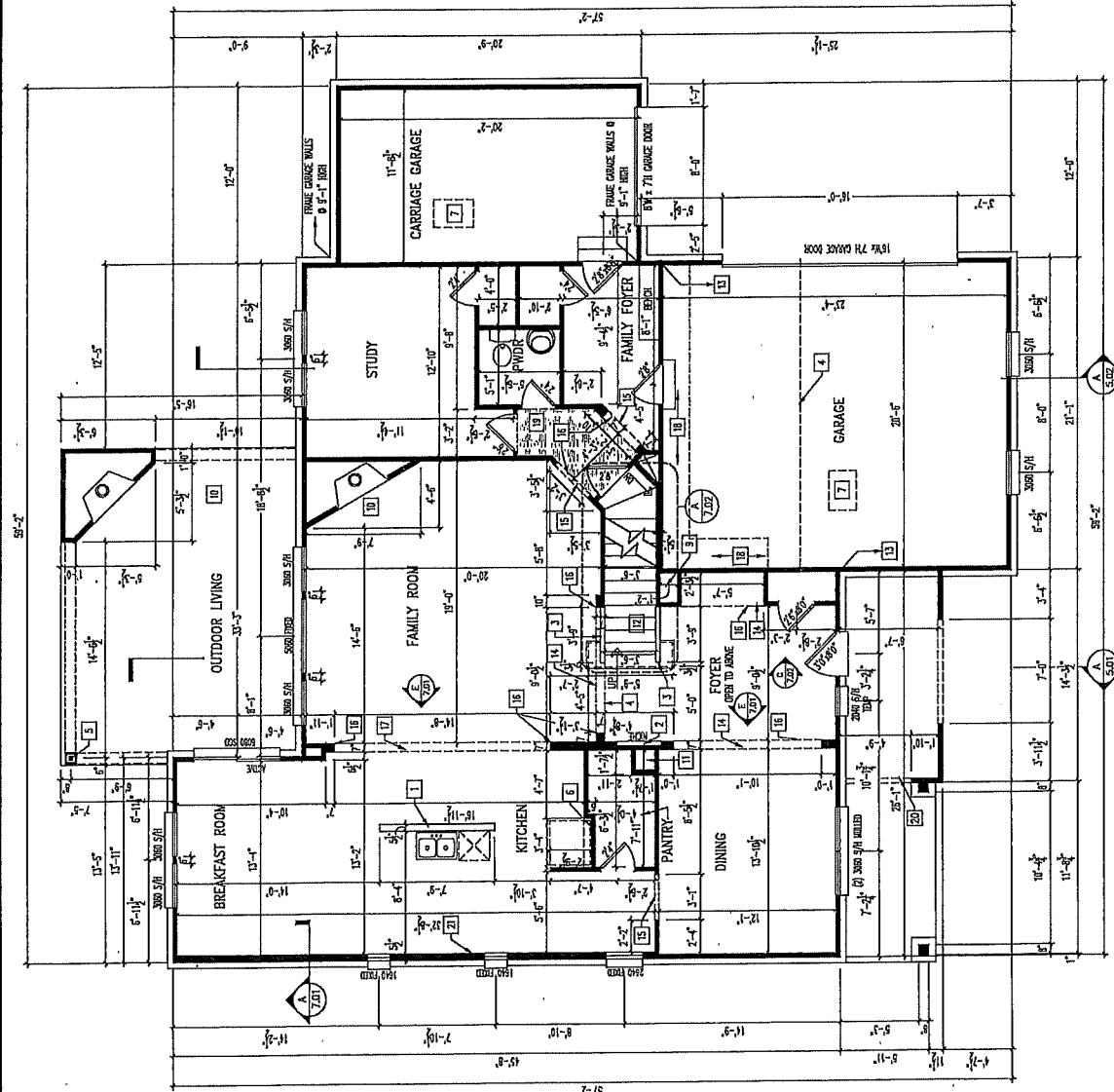
Driveway will
 hold at least 4
 cars, as well

General Notes

1. REFER TO SHEET ONLY FOR GENERAL NOTES.
2. ALL FIRST FLOOR CEILINGS TO BE 5'-1" ABOVE SUBGRADE UNLESS OTHERWISE NOTED. SEE SCHEDULE.
3. FRAME TOP OF ALL WINDOWS AT 1" 0-1/4" BELOW THE TOP PLANE UNLESS OTHERWISE NOTED.
4. FRAME TOP OF ALL DOORS (EXCEPT BATH) TO BE 1" 0-1/4" ABOVE FINISH FLOOR UNLESS OTHERWISE NOTED.
5. ALL GARAGES TO HAVE A SPRING BEAM OF 12" UNLESS OTHERWISE NOTED.
6. ALL FIRST FLOOR EXTERIOR WALLS AND INTERIOR BEARING WALLS TO BE FINISHED AT 5'-1" WITH 2x4'S AT 16" O.C.

Key Notes

- 1 3/4"-1/2" HIGH WALL
- 2 3" HIGH WALL
- 3 SLOPED WALL WITH SLOPE SHOWN. SEE SDR DETAIL A7102
- 4 SECOND FLOOR ONE ABOVE
- 5 6'-0" BAY COLUMN RE. 1/2" DIA FOR BEARING BEAMS
- 6 FRAME TOP OF OPENING AT 6'-1/2" A.F.F.
- 7 2x2x 1/2" A.F.F. ACCESS
- 8 DOOR CASE TO BOTTOM OF REAR
- 9 RMC CASE FOR REAR LR
- 10 PRE-ASSEMBLED REFERENCE ROSET
- 11 RMC CASE
- 12 REFER TO SCHEDULE SHEETS FOR FINISHING MATERIAL. REFER TO CONSTRUCTION STAGES TO DETERMINE REAR ROSET
- 13 FRAME GARAGE WALLS 0' 10" 2-1/2" ABOVE TOP OF FIN.
- 14 TOP OF OPENING 0' 7-1/2" A.F.F. CORNERS OF OPENING HAVE 2'-0" BOUNDS
- 15 TOP OF OPENING 0' 7-1/2" A.F.F. AROUND OPENINGS
- 16 ROUNDED CORNER BEAD AT AROUND OPENINGS
- 17 DEEP RECESSED 1'-4" DOWN
- 18 DEEP CEILING FOR RMC AT REAR 2'1" WITH
- 19 DEEP CEILING TO 6'-1"
- 20 TOP OF OPENING AT 6'-1/2" A.F.F.
- 21 2x6 FRAME WALL FOR PLUMBING STACKS



Address:	IRONVILLE CONSUMERS	Sheet No.	2.01
Job #:	TRC-0795-00	Contractor Name:	COFFAGE
Contractor's Name:	MELISSA H.	Job Address:	TRC
Contractor's Phone #:	6555784250		
Contract Date:	08/20/2019		

Contract Drawn By:	FRANK F.	Scale:	1/8" = 1'-0"
Contractor's Name:	XXXXXXXXXX	Project Name:	FIRST FLOOR FRAMING PLAN
Contractor's Phone #:	XXXXXXXXXX	Project Location:	ELEVATION
Contract Date:	08/20/2019	Project Description:	1st FLOOR FRAMING PLAN

Scale:	1/8" = 1'-0"
Project Name:	FIRST FLOOR FRAMING PLAN
Project Location:	ELEVATION
Project Description:	1st FLOOR FRAMING PLAN
Project Date:	08/20/2019
Project Status:	STG. 5' 1" FIRST FLOOR CEILING

Sheet No.:	487
Project Name:	ROWAN

The Drees Company
 211 Oakwood Drive, First Floor, Kentucky 40107, (502) 578-5200
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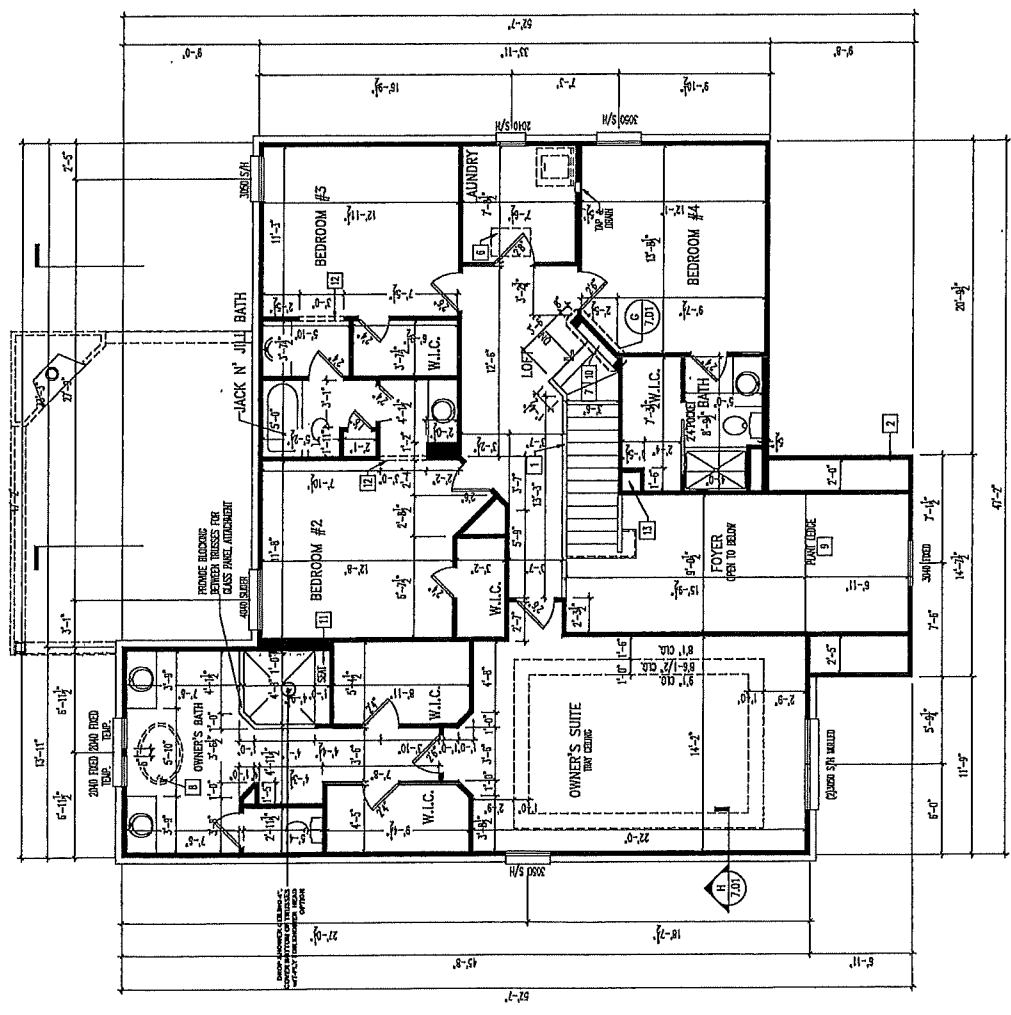


General Notes

- REFER TO SHEET #1 FOR GENERAL NOTES.
- ALL SECOND FLOOR CEILING TO BE 4'-0" ABOVE FINISH FLOOR UNLESS OTHERWISE NOTED. (SEE SPECIFICATIONS)
- FRAME TOP OF ALL WINDOWS AT 1 1/2" - 1/4" BELOW THE TOP PLATE UNLESS OTHERWISE NOTED.
- ALL INTERNAL WINDOW HEADS AND SIDINGS ARE SHOWN AS SHIPPED 1'-0" FROM CEILING UNLESS CALCULATIONS REQUIRE LARGER HEADS.
- ALL WINDOWS TO HAVE A SPRING HEIGHT OF 12" UNLESS OTHERWISE NOTED.

Key Notes

- 3" HIGH INSET WALL
- OUTLINE OF CHASE OR FIRST FLOOR WALL BOLD.
- DO NOT LOCATE TRUSS ABOVE PLUMBING WALL.
- IMC CHASE
- 3" HIGH CURB AT SINKER ALUMINUM - SEE DETAIL ON SHEET #43
- 2x4 x 32' AIR ACCESS
- ROUNDED CORNER HEAD AT ARCHED OPENINGS.
- TWO INCH AND WIDER IN 1/4" DEPT
- FRAMING LATCH AND NOTCHED JOIST - SEE DETAIL C/S/SH
- NOTE - SEE DETAIL 1/7/21 FOR
- 18" HIGH SINKER SET SLOPED 3/8" FOR WATER RUN-OFF OVER REVERSIBLE CALUMBERED POLYURETHANE WATERPROOF MEMBRANE (CONTINUE OVER FRONT AND BACK OF S/O)
- BASE RENDER, NO HOLE
- IMC CHASE FOR RETURN AIR
-
-
-
-
-
-



Sheet No. **2.02**
 THURMURLE CROSSINGS
 TRC-0785-00
 CORRAGE
 TID

Project Name: **ROWAN**
 Project No.: **487**
 Date: **08/20/2019**
 Designer: **MELISSA H.**
 Designer's Phone: **8582740200**
 TRC-0785-00.dwg Aug 23, 2019 - 2:55pm

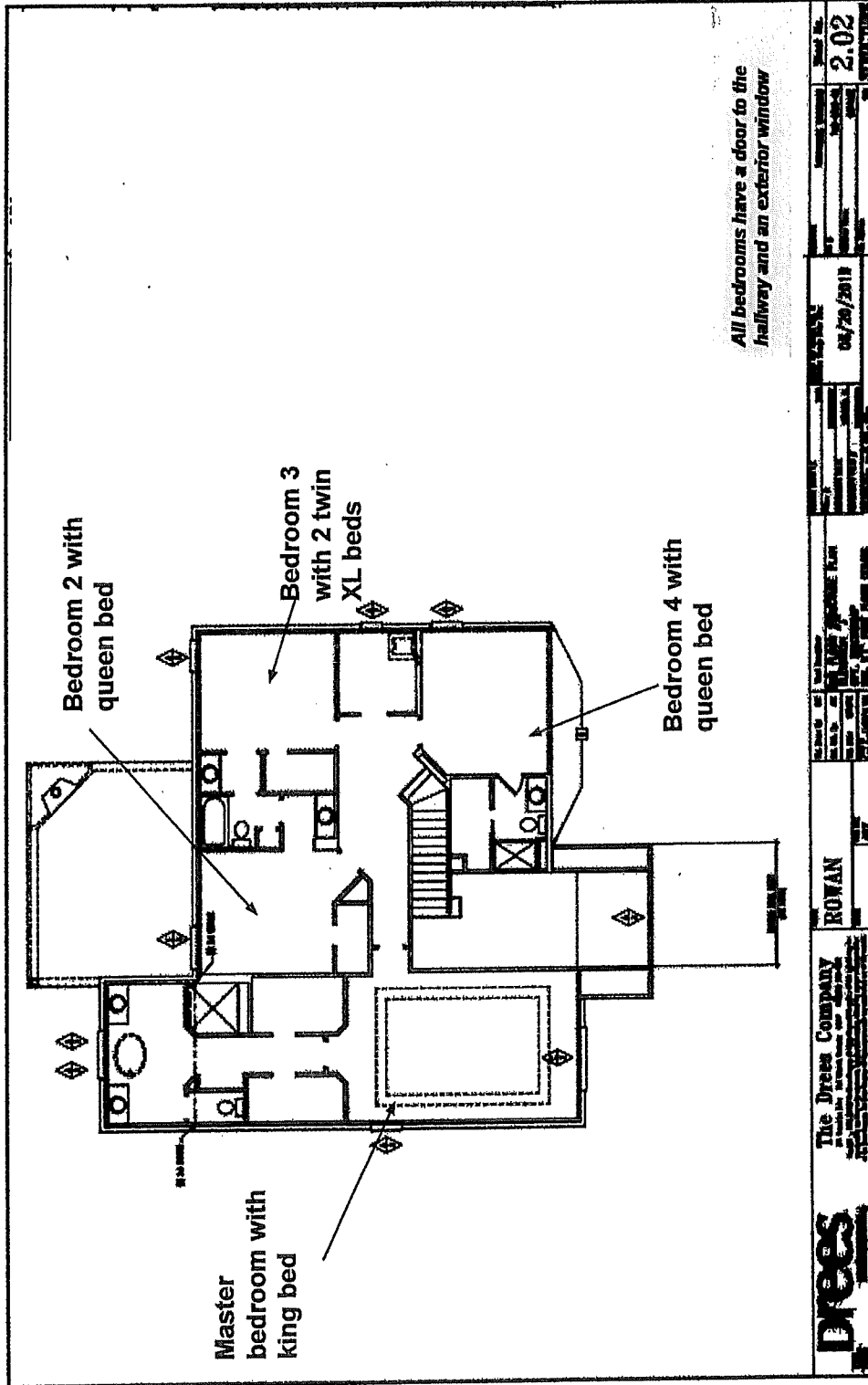
Scale: **1/8" = 1'-0"**
 Title: **SECOND FLOOR FRAMING PLAN**
 ELEVATION
 OPT. BRICKWRAP
 STD. 9" 1" FIRST FLOOR CEILING

Client: **ROWAN**
 Project No.: **487**

The Drees Company
 211 Onealville Drive, Fort Mitchell, Kentucky 40077
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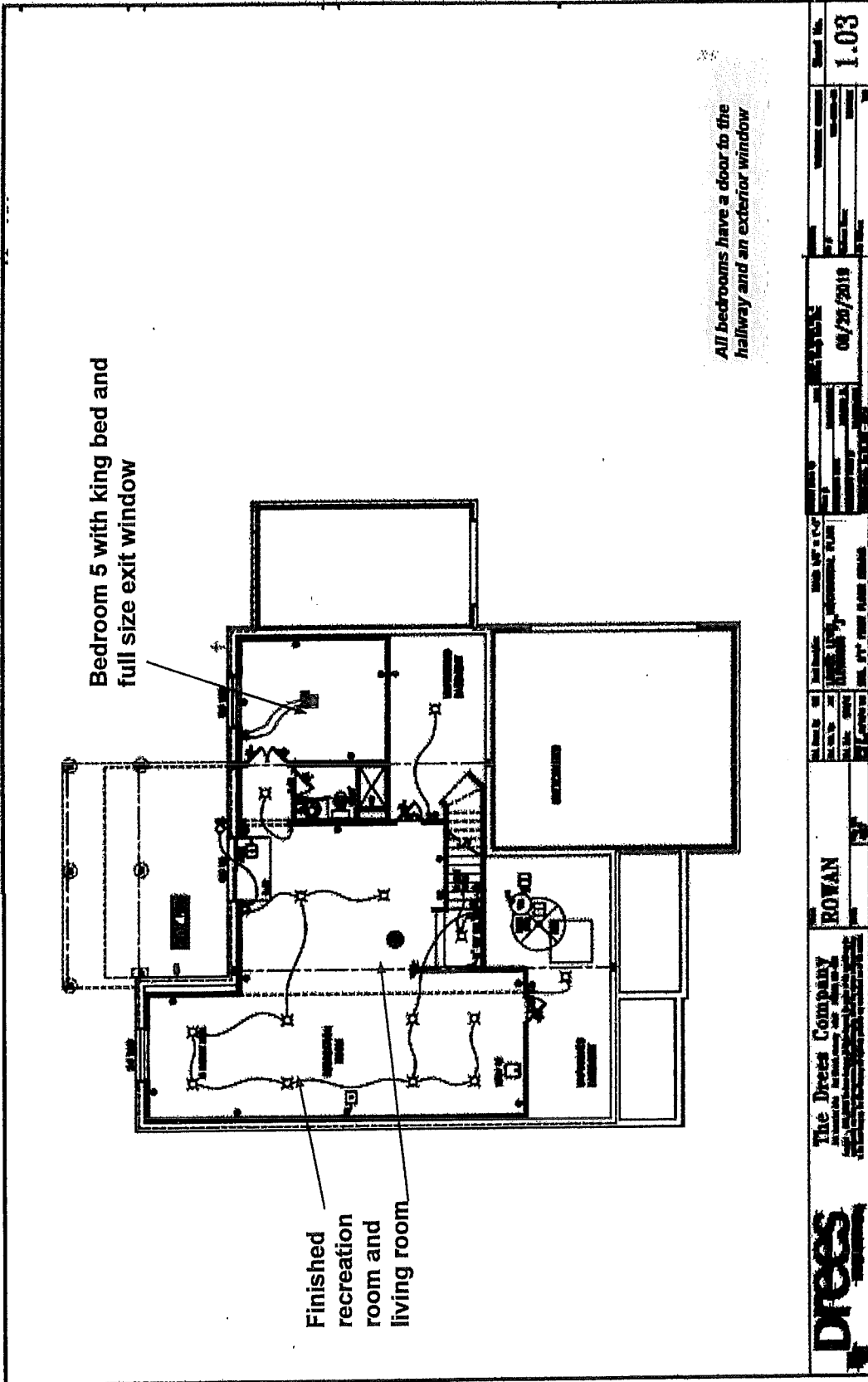


SECOND LEVEL FLOOR PLAN



Drees The Drees Company 10000 W. 10th Ave., Suite 100 Denver, CO 80201 (303) 751-1000	PROJECT NO. 10000 W. 10th Ave.	DATE 08/20/2018	SHEET NO. 2.02
	ARCHITECT ROYAN	CLIENT [REDACTED]	SCALE 1/8" = 1'-0"

BASEMENT FLOOR PLAN



All bedrooms have a door to the hallway and an exterior window

The Drees Company Architectural Firm		ROWAN		DATE: 08/26/2019		SHEET NO: 1.03	
10000 Drees Blvd, Suite 100, Dallas, TX 75243		12345 Main St, Dallas, TX 75201		PROJECT NO: 12345		DRAWN BY: J. Smith	
TEL: 972-440-1234		TEL: 972-555-1234		CHECKED BY: M. Jones		SCALE: AS SHOWN	



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

I agree to comply to Regulations of
Section 3191 while operating a short term
Rental.

Caledonia Cottage LLC, Jeffrey Coggins (member)

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 STR 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, sidewalk 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. *Limit 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.

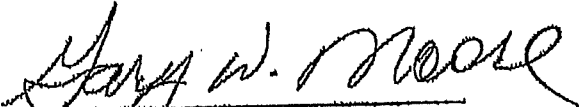
SECTION THREE

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