

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

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

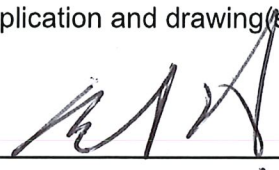
Site Plan Review is not granted by the appropriate Board of Adjustment

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: Matthew Hassert  
Address: 10485 Blacksmith Pl.  
Florence KY 41042  
City State Zip Code  
Phone Number: (513) 266-8222 Fax Number: \_\_\_\_\_  
Email: hassertm@yahoo.com
4. Description of Request: SINGLE FAMILY HOME TO BE USED FOR SHORT TERM RENTAL
5. Name of Development: N/A
6. Location of Development: Same as Above  
\_\_\_\_\_  
City State Zip Code
7. Acreage Under Review: \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision): LOT 5 SEC 1 HORSESHOE TRAILS
9. Current Owner: 10485 BLACKSMITH PL LLC (Matthew Hassert)  
(Victoria Hassert)  
Address: 10485 BLACKSMITH PL  
FLORENCE KY 41042  
City State Zip Code  
Phone Number: (513) 266-8222 Fax Number: \_\_\_\_\_  
Email: hassertm@yahoo.com

10. Proposed Use(s) on Site: SHORT TERM RENTAL
11. Total Square Footage of Existing and/or Proposed Buildings: Finished: 2672 Sq Ft Main 682 sq ft Basement
12. Current Zoning: SR-1
13. 1207 597 2057  
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.

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 8/4/2023 Fee Received: \$ 816.00 Receipt #: 88972

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: M. Schwartz

4. Scheduled Board Action Date: 9/13/2023

5. Board Action: 9/13/2023

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: See Attached Minutes, or 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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## CONDITIONS OF APPROVAL

APPLICANT: 10485 Blacksmith PL LLC, per Matthew Hassert

LOCATION: 10485 Blacksmith Place, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: September 13, 2023

1. 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.

## STAFF REPORT

#2

APPLICANT: 10485 Blacksmith PL LLC, per Matthew Hassert

LOCATION: 10485 Blacksmith Place, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: September 13, 2023

### 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

- 2002 On August 13, 2002, the Boone County Planning Commission approved a Final Plat for Horseshoe Trails, Section 1, creating the lot in question.
- 2002 On November 5, 2002, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a single-family residence on the site.
- 2012 On May 11, 2012, the Boone County Planning Commission staff approved a zoning permit to allow the construction of an above ground pool on the site.
- 2022 On February 28, 2022, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a deck on the site.

### APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only if specific locations in the district and only if certain conditions are met.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 205.H of the Boone County Zoning Regulations.
1. Findings listed in Section 205.H (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 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 any such services.
  - e. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community.
  - f. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.
- C. Section 505.2 of the Boone County Zoning Regulations identifies 'Short Term Rental' as Conditional Uses within the SR-1 district.
- D. Section 903. A of the Boone County Zoning Regulations states that "the purpose of the Suburban Residential One district is to provide a low density, residential environment whose dwelling types and densities are typical of a suburban character. It is also to provide limited or passive and active recreational uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed."
- 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':
- 1. 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.
  - 2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
  - 3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests, except for the following:

- a. There shall be a maximum occupancy of ten (10) persons, adult or children.
  - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
4. Parking requirements shall be as follows:
- a. When the short term rental is located in a portion of the dwelling unit, two (2) parking spaces shall be provided for the residence and a minimum of one (1) parking space shall be provided per guest room or suite.
  - b. When the short term rental is located within the entire dwelling unit, a minimum of one (1) parking space shall be provided per guest room or suite.
  - c. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.
5. 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.
6. The property on which the short term rental is to be located shall not be located closer than 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.
7. 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.
8. It shall be unlawful:
- a. 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)
  - b. 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)
  - c. To advertise or offer a short term rental without first registering the property in which the short term rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertising 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)
  - d. 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

- e. regulation. (Applies to Unincorporated Boone County Only)  
To operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
  - f. To operate a short term rental without paying the required hotel occupancy taxes.
  - g. To offer or allow the use of a short term rental in a manner which violates the City Noise Ordinance (O-16-95). (Applies to the City of Florence Only)
  - h. 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.
  - i. Permit the use of the short term rental for any illegal purposes or any use not permitted by the residential zoning regulations.
9. 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. Blacksmith Place is a county maintained local street providing for two way traffic within an approximate twenty-five (25) foot pavement width. There are sidewalks along both sides of the roadway.

#### SITE CHARACTERISTICS

- A. The approximate 0.20 acre area is located along the west side of Blacksmith Place, approximately four hundred (400) feet north of Mt. Zion Road.
- B. The site has approximately thirty-eight (38) feet of frontage along Blacksmith Place.
- C. Access to the site is provided by a single curb cut onto Camp Ernst Road.
- D. The site is currently occupied by a two-story, four-bedroom, detached residential structure, with a two-car attached garage.
- E. The site can accommodate parking for six (6) vehicles, two in the garage and four on the driveway.
- F. Topographically, the site slopes upward, south to north, at an average grade of 8%.

#### SURROUNDING LAND USES AND ZONING

North: Single-family residential dwellings (SR-1)  
South: Single-family residential dwellings (SR-1)  
East: Single-family residential dwellings (SR-1)  
West: Single-family residential dwellings (SR-1)

#### PROPOSED DEVELOPMENT

- A. The applicant is proposing to use a the four (4) bedroom house as a short term rental.

#### STAFF COMMENTS

- A. The site is located along Blacksmith Place, a local 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 9,300 feet from the nearest approved Short Term Rental.
- D. The site is approximately 1,300 feet from another short term rental application on the same meeting agenda.
- E. It takes one (1) turning movement to get to the site in question from the nearest arterial street, which is Mt. Zion Road.
- F. Blacksmith Place terminates approximately one thousand three hundred (1,300) feet north of the site in question.
- G. Should the Board take action to approve the submitted request, Staff is suggesting the following conditions be considered as part of that action:
  - 1. 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 202.C 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
- \*Noise Contour Map
- \*Application
- \*Boone County Short Term Rental Permit Application
- \*Concept Development Plan
- \*Boone County Ordinance Number 2021-31

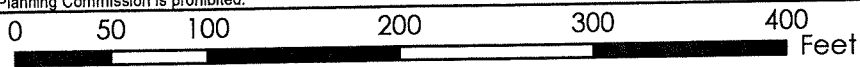
# Vicinity Map

www.boonecountygis.com



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1 inch = 100 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

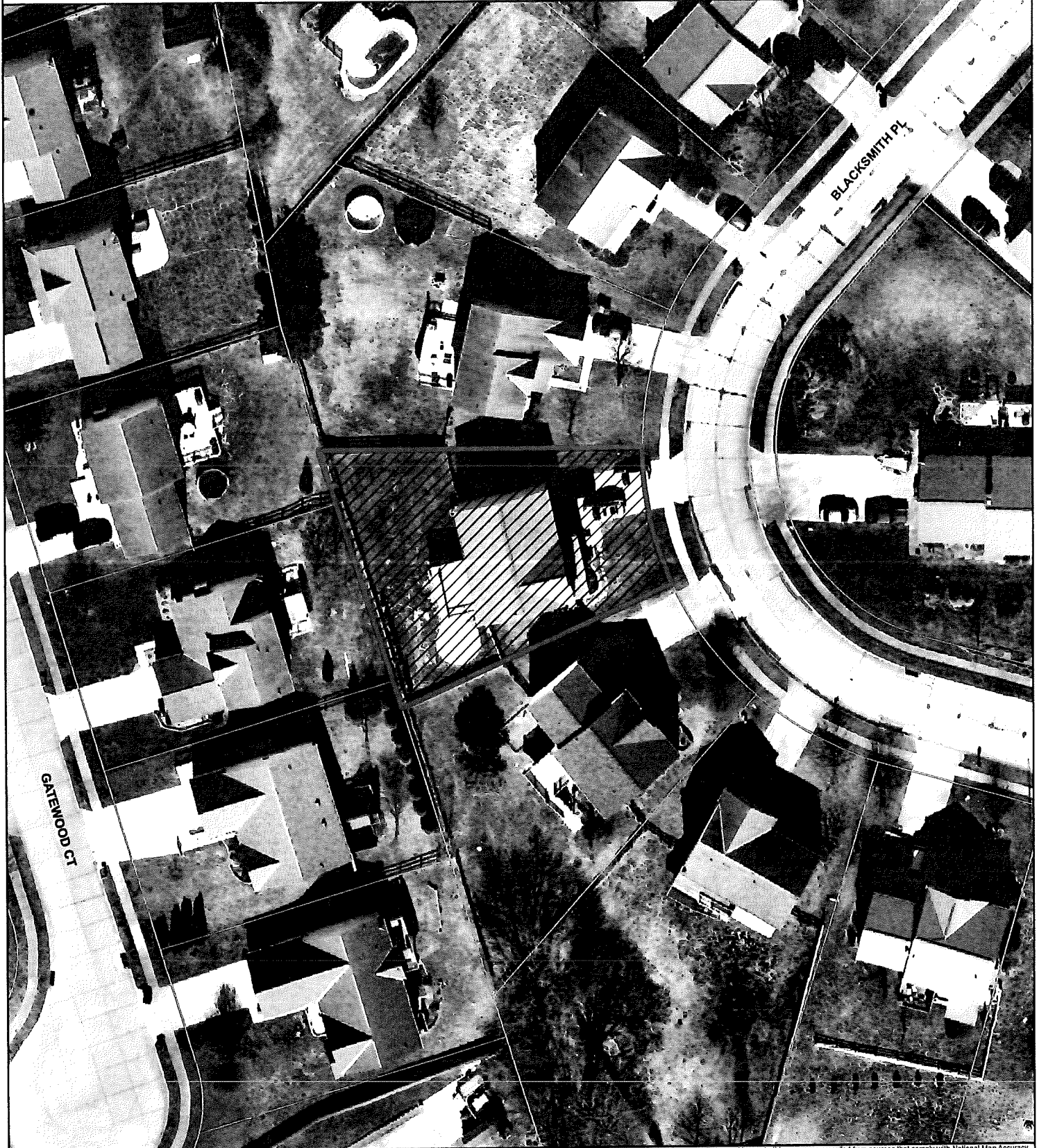


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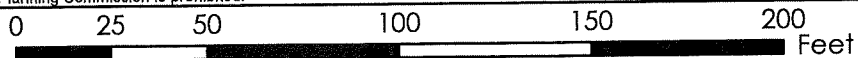
# Aerial Map

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1 inch = 50 feet



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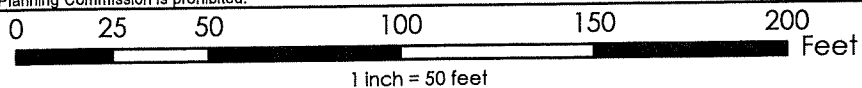
# Topographic Map

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: x/xx/2022

Map File Path: \\sbs\GIS\GIS  
ArcMap Document: \*.mxd

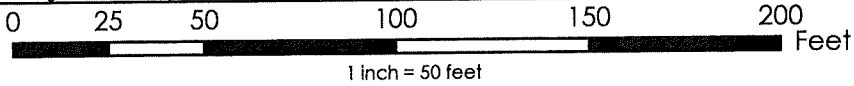
# Zoning Map

www.boonecountygis.com



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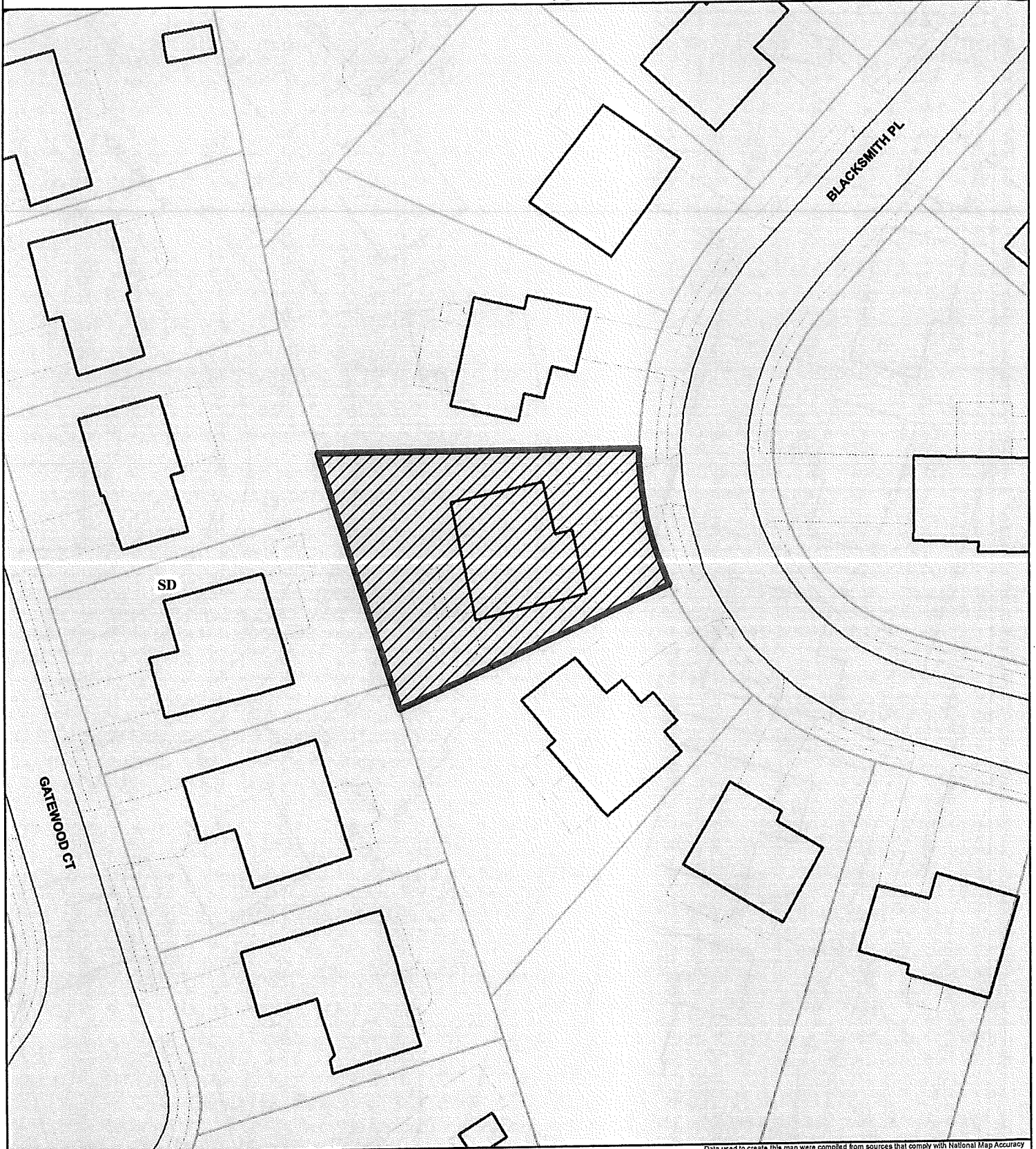
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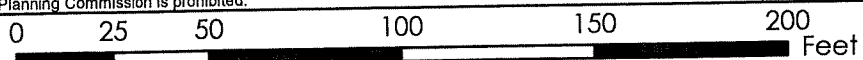
# 2040 Future Land Use Map

www.boonecountygis.com



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1 inch = 50 feet



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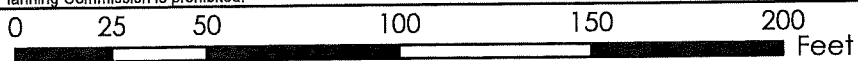
# Noise Contour Map

www.boonecountygis.com



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1 inch = 50 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2022

Boone County GIS  
ArcMap Document: \*.mxd

**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: Matthew Hassert  
 Address: 10485 Blacksmith Pl.  
Florence KY 40042  
 City State Zip Code  
 Phone Number: (513) 266-8222 Fax Number: \_\_\_\_\_  
 Email: hassertm@yahoo.com

4. Description of Request: SINGLE FAMILY HOME TO BE USED FOR SHORT TERM RENTAL

5. Name of Development: N/A

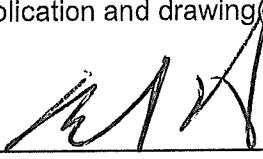
6. Location of Development: Same as Above  
 \_\_\_\_\_  
 City State Zip Code

7. Acreage Under Review: \_\_\_\_\_

8. Lot Number and Name of Subdivision (if part of a subdivision):  
LOT 5 SEC 1 HORSESHOE TRAILS

9. Current Owner: 10485 BLACKSMITH PL LLC (Matthew Hassert)  
(Victoria Hassert)  
 Address: 10485 BLACKSMITH PL  
FLORENCE KY 40042  
 City State Zip Code  
 Phone Number: (513) 266-8222 Fax Number: \_\_\_\_\_  
 Email: hassertm@yahoo.com

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11. Total Square Footage of Existing and/or Proposed Buildings: Finished: 2672 Sq Ft Main 682 sq ft Business
12. Current Zoning: SR-1
13. 1207 597 2057  
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.

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 01-13-2023 Fee Received: \$ 0.00 Receipt #: 22072

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: \_\_\_\_\_

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

- \_\_\_\_\_ Approved
- \_\_\_\_\_ Approved with Conditions (see #6)
- \_\_\_\_\_ Denial (See #7)

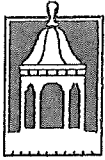
6. Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)



BOONE COUNTY  
KENTUCKY

# Short Term Rental Unit Permit Application

RECEIVED

AUG 04 2023

BOONE COUNTY  
OCCUPATIONAL LICENSE DEPT.

Applicant Information

Applicant Name Matthew Hassert

Home Phone (513) 266-8222 Cell (513) 266-8222

Mailing Address 11600 Rich Rd.

City Loveland State OH Zip Code 45140

E-Mail hassertm@yahoo.com

Short Term Rental Unit Information

Short Term Rental Address 10485 Blacksmith Pl. Florence 41042

Number of Bedrooms: 5 Number of off-street parking spaces 6

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 Jane

Mailing Address NJ

City NJ State NJ Zip Code \_\_\_\_\_

Cell Phone None Alternate Contact Number \_\_\_\_\_

Email Address \_\_\_\_\_

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. MNH (initial)





BOONE COUNTY  
KENTUCKY

SHORT TERM RENTAL SAFETY CHECKLIST

Name: Matthew Hassert  
Address: 10485 Blacksmith Pl. Florence 41042  
Phone number: (513) 266-8222  
Email: hassertm@yahoo.com  
Address of STRU: 10485 Blacksmith Pl. Florence 41042

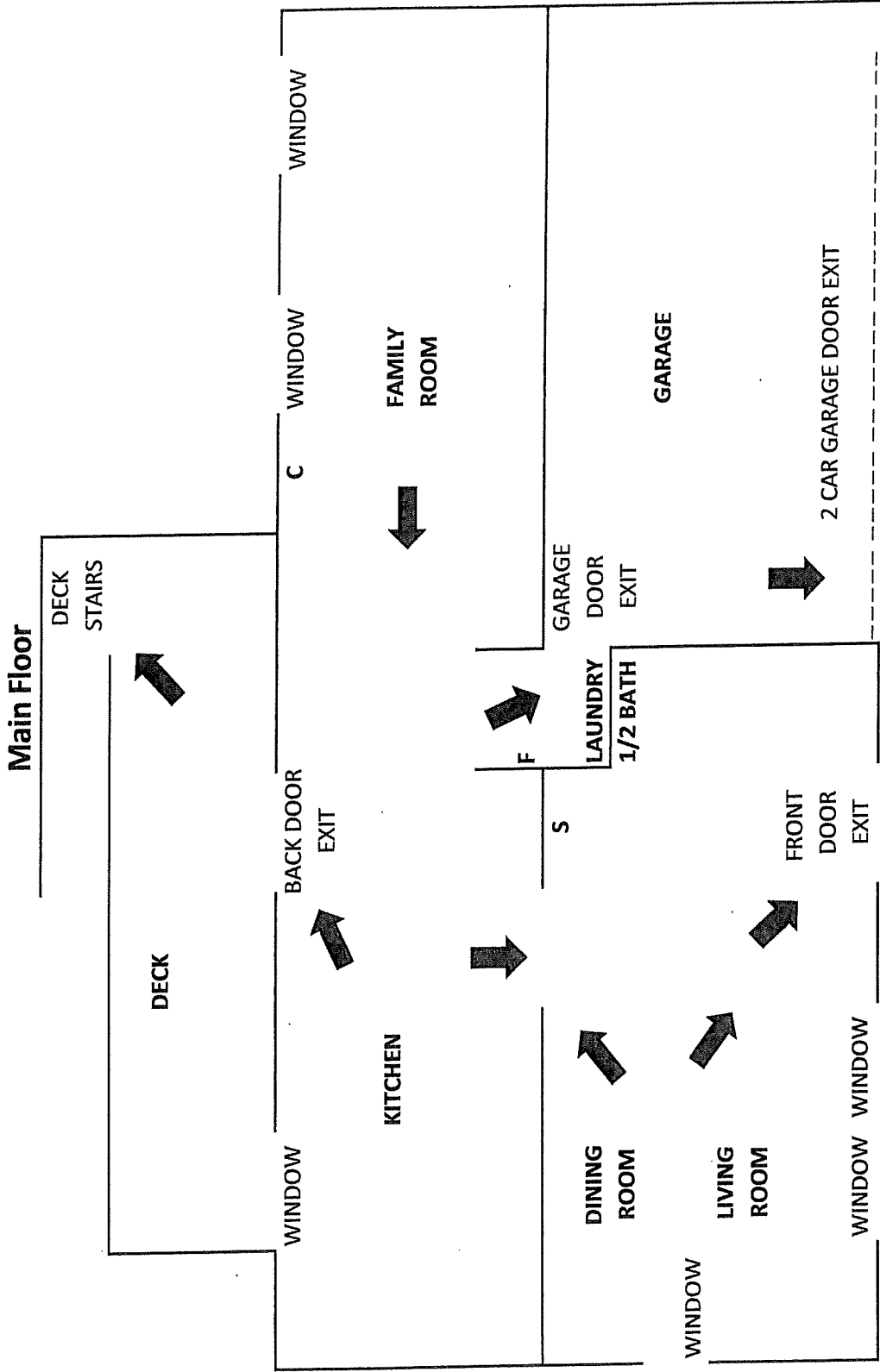
Please Check the Box for EACH Item Attesting that the Required Safety Item is Present on the Premises

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.

# FIRE SAFETY PLAN

10485 BLACKSMITH PLACE FLORENCE, KY 41042  
BOONE CENTER EMERGENCY: CALL 911

BOONE CENTER NON-EMERGENCY (859)-371-1234  
PROPERTY CONTACT: MATTHEW HASSERT (513)266-8222



PRIMARY EXIT ROUTE: DOORS   
F=Fire Extinguisher, S= Smoke Detector, C=CO2 Detector

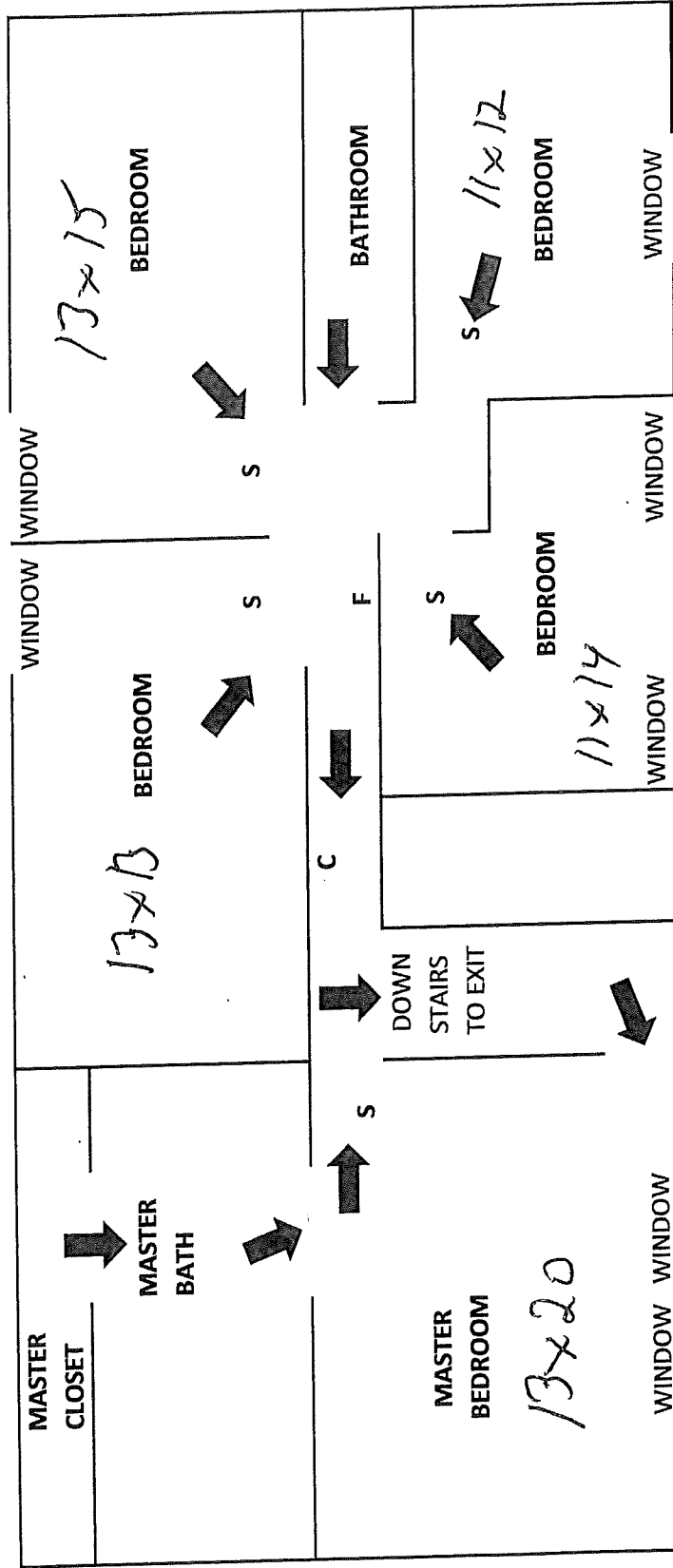
SECONDARY EXIT ROUTE: WINDOWS  
Not to scale

# FIRE SAFETY PLAN

10485 BLACKSMITH PLACE FLORENCE, KY 41042  
BOONE CENTER EMERGENCY: CALL 911

BOONE CENTER NON-EMERGENCY (859)-371-1234  
PROPERTY CONTACT: MATTHEW HASSERT (513)266-8222

## 2nd Floor



PRIMARY EXIT ROUTE: Doors

F=Fire Extinguisher, S= Smoke Detector, C=CO2 Detector

SECONDARY EXIT ROUTE: Windows

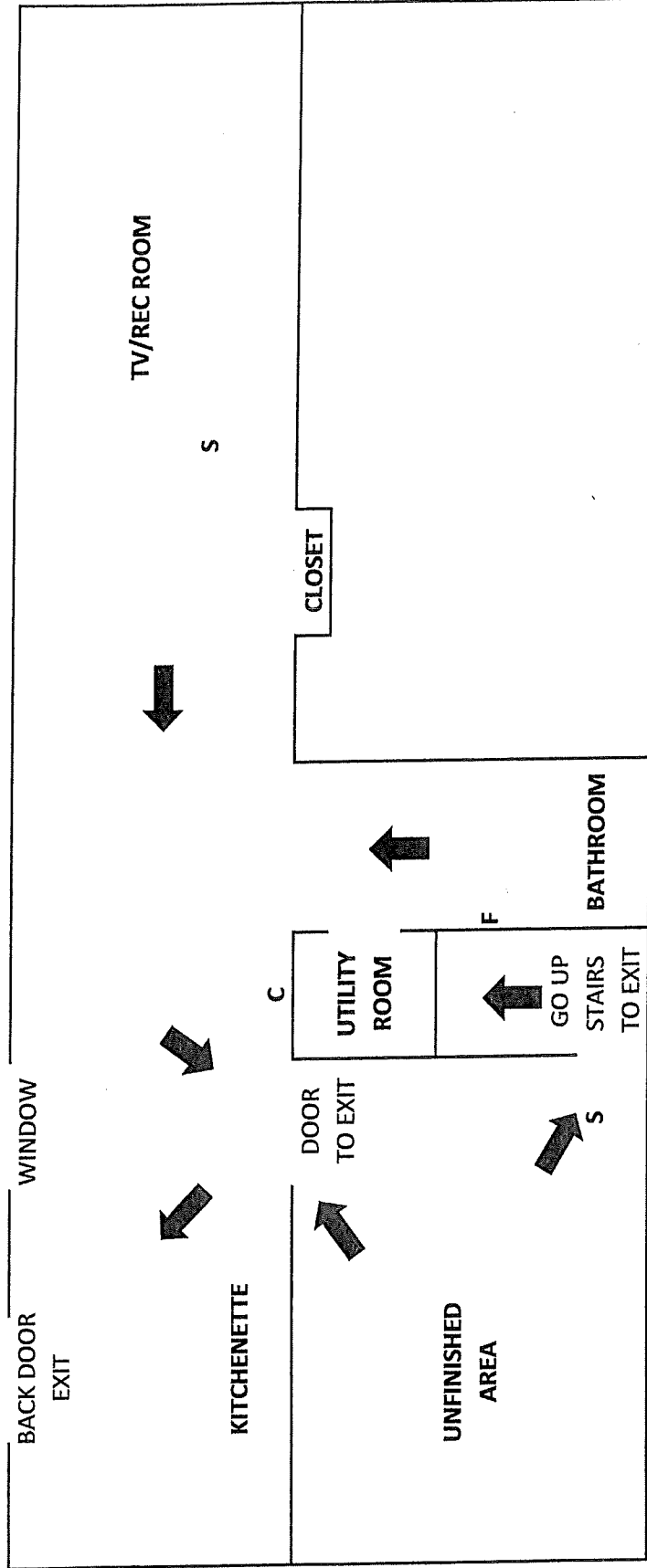
Not to scale

# FIRE SAFETY PLAN

10485 BLACKSMITH PLACE FLORENCE, KY 41042  
BOONE CENTER EMERGENCY: CALL 911

BOONE CENTER NON-EMERGENCY (859)-371-1234  
PROPERTY CONTACT: MATTHEW HASSERT (513)266-8222

## BASEMENT

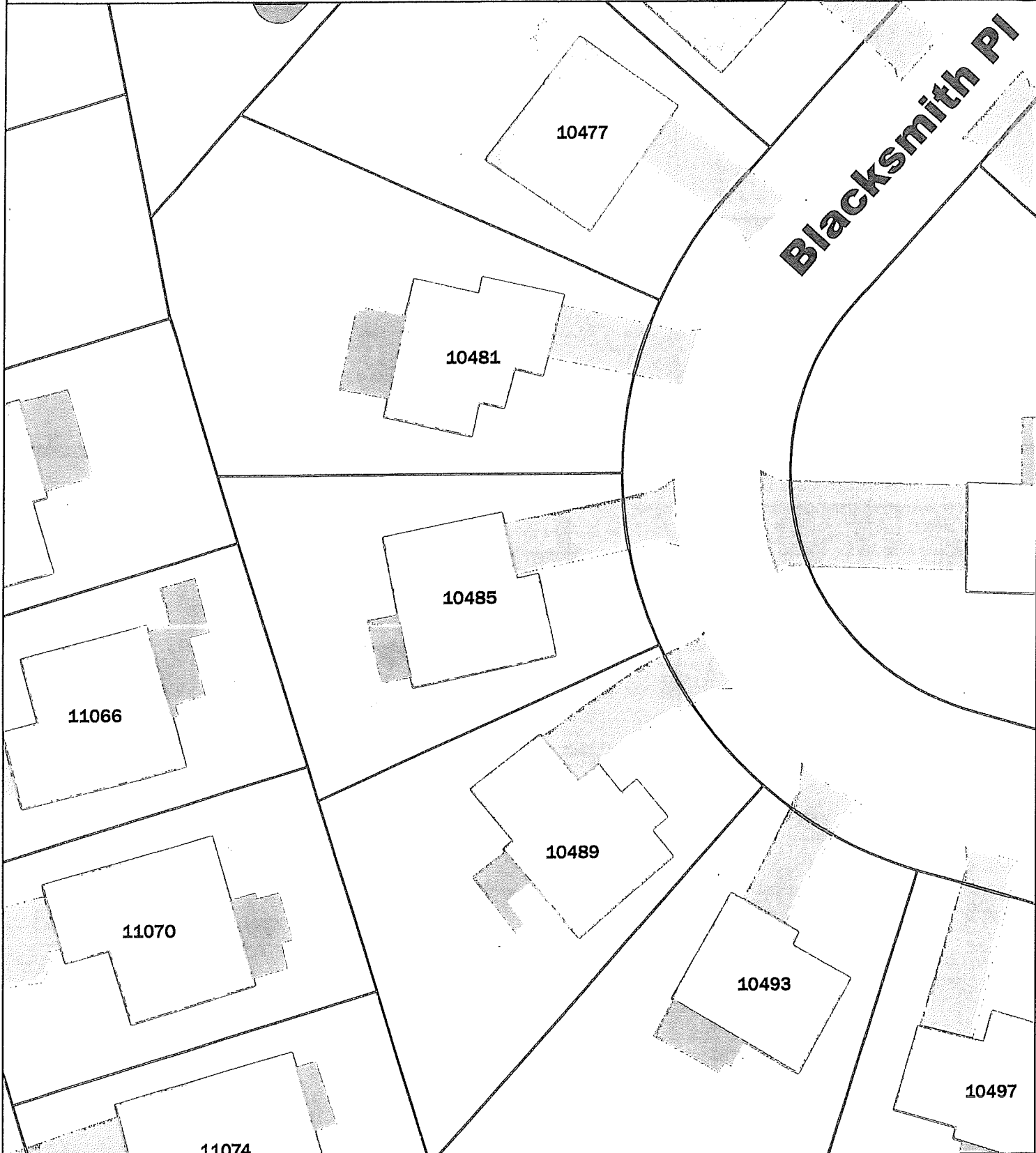


PRIMARY EXIT ROUTE: Doors  
F=Fire Extinguisher, S= Smoke Detector, C=CO2 Detector

SECONDARY EXIT ROUTE: Windows  
Not to scale

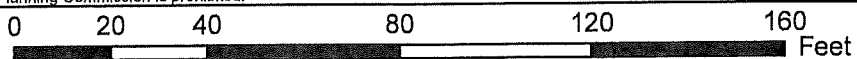
# Boone County GIS Map

www.boonecountygis.com



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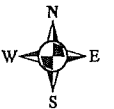
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1 inch = 40 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



ORDINANCE 2021-21

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, 10, 20, 23, 25, 31, and 40 of the Boone County Zoning Regulations for: (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 services 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 portion thereof, for a period of less than 90 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, 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 intention to 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 (1<sup>st</sup>) 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. *Limited 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. *Limited 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.

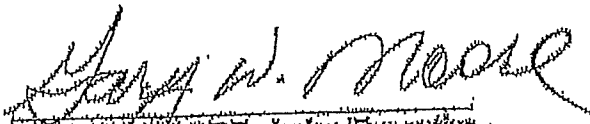
SECTION THREE

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 14<sup>th</sup> day of September, 2021

Adopted this 14<sup>th</sup> day of September, 2021. Yes 4 No 0

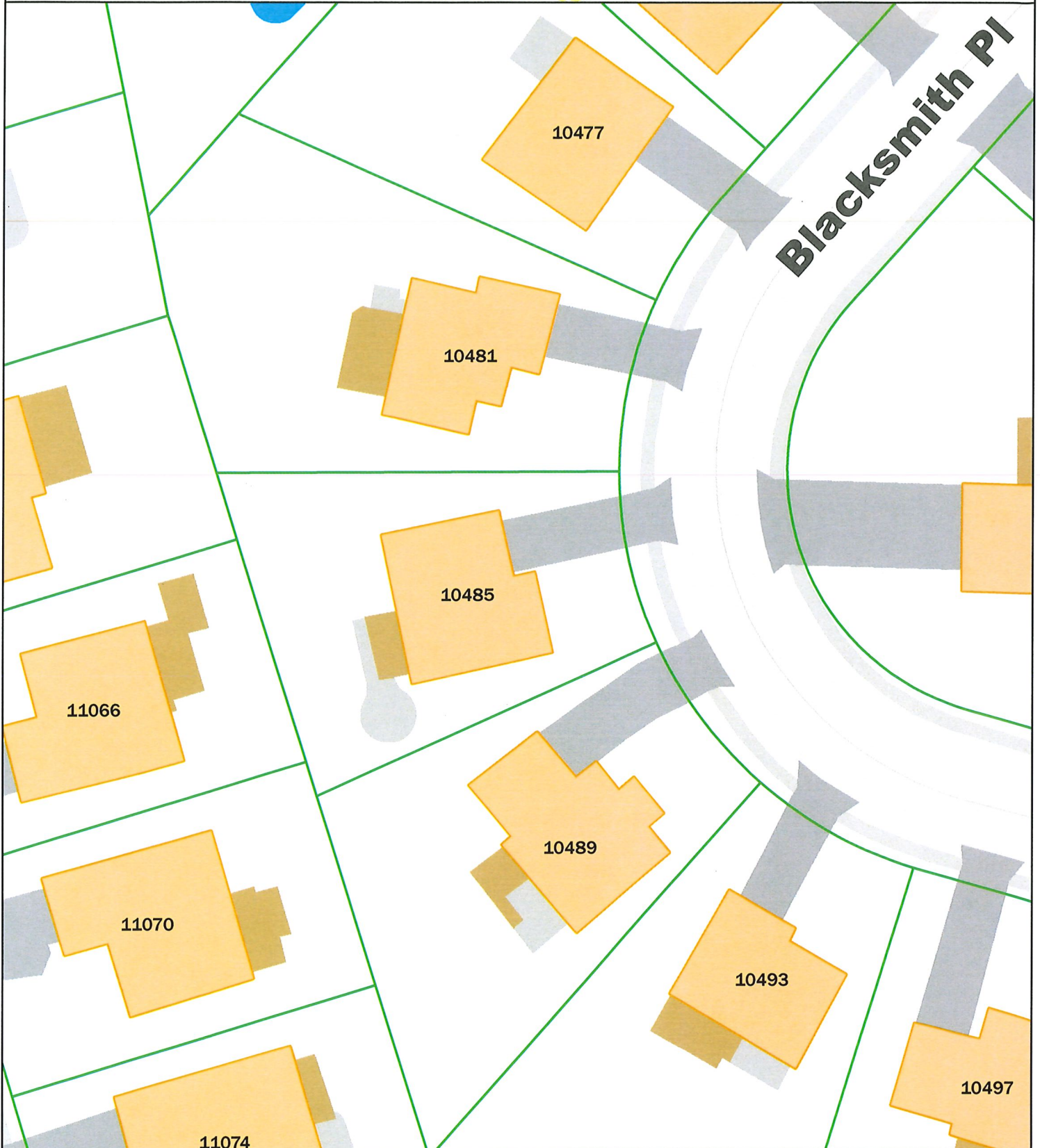
  
GARY W. MOORE, Judge/Executive  
Boone County Fiscal Court

Attest:

  
JEFFREY S. EARLYWINE,  
Acting Fiscal Court Clerk

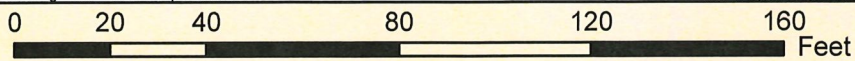
# Boone County GIS Map

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1 inch = 40 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
10485 Blacksmith Pl LLC  
10485 Blacksmith Pl  
Florence, KY 41042
  
- 2. ADDRESS OF PROPERTY  
10485 Blacksmith Pl  
Florence, KY 41042
  
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Hassert Short Term Rental
  
- 4. DEED BOOK 1207                      PAGE NO. 597                      GROUP NO. 2057
  
- 5. TYPE OF RESTRICTION(S) (Check all that apply)  
 Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_                       Conditional Use Permit  
 Development Plan                       Conditional Zoning  
 Subdivision Plat                       Other:  
(Not Recorded)  
 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 14<sup>th</sup> day of September, 2023.

---

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 13, 2023, Certificate of Land Use Restriction (#23-BCBOA-030-A), for 10485 Blacksmith PI LLC, Property Owner(s).

The following conditions will apply:

1. 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 1207

PAGE NO. 597

GROUP NO. 2057