

10. Proposed Use(s) on Site: renting out a portion of the home as a short term rental

11. Total Square Footage of Existing and/or Proposed Buildings: 5,150 sf Total / 2360 sf available for rental space

12. Current Zoning: A-2

13. D1206 791-~~793~~ 2070
Deed Book Page Group Number

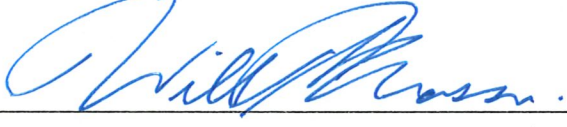
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

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: 8/10/23 Fee Received: \$766 Receipt #: 89007

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 CLDR

7. Reasons for Denial: _____

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

CONDITIONS OF APPROVAL

APPLICANT: William P. Massie

LOCATION: 575 Chambers Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: September 13, 2023

1. The capacity of the short term rental shall be limited to no more than eight (8) persons.
2. All listings shall stipulate that pets and guns shall be prohibited.
3. 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. Dr. Estes seconded the motion.

STAFF REPORT

#3

APPLICANT: William P. Massie

LOCATION: 575 Chambers Road, Boone County, Kentucky

ZONING: Agricultural Estate (A-2)

DATE: September 13, 2023

PROPOSAL

- A. The applicant is requesting a Conditional Use Permit to allow the lower level of the existing single-family residential dwelling to be used as a short term rental.

SITE HISTORY

1986 On December 23, 1986, the Boone County Planning Commission approved a Conveyance Plat, creating the lot in question.

2000 On July 7, 2000, the Boone County Planning Commission staff approved a zoning permit to allow the construction of a single-family residence 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 505.1 of the Boone County Zoning Regulations identifies 'Short Term Rental' as Conditional Uses within the A-2 district.

D. Section 602. A of the Boone County Zoning Regulations states that "the purpose of the Agricultural Estate district is to provide for low density residential development and on a limited basis agricultural uses or agricultural related uses in the context of a rural environment."

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 of 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 regulation. (Applies to Unincorporated Boone County Only)
 - e. 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 “Rural Density Residential” uses, which is described as low density residential uses of up to one dwelling unit per acre.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:
 1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
 2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
 3. Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).
 4. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).
 5. Home ownership shall be encouraged and incentivized as well as redevelopment and renovation of deteriorating housing stock (Demographics Goal B, Objective 3).
 6. Tourist oriented commercial facilities should be encouraged provided that the impacts on other land uses are minimal (Natural and Cultural Resources Goal A, Objective 4).
 7. Industries shall be promoted in suitable locations to make the county a vital part of a strong regional economy (Economy Goal A, Objective 2).
 8. Tourism (including agri-tourism and heritage tourism), telecommuting, and virtual employment shall be encouraged as an economic resource while minimizing potential impacts (Economy Goal A, Objective 7).
 9. Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).
 10. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).
 11. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

- C. Chambers Road is a state maintained collector street providing for two way traffic. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The 6.9 acre area is located along the south side of Chambers Road, approximately eight hundred fifty (850) feet east of Gaines Way.
- B. The site has approximately three hundred fifty-five (355) feet of frontage along Chambers Road.
- C. Access to the site is provided by a single curb cut onto Chambers Road.
- D. The site is currently occupied by a one-story, four-bedroom, detached residential structure, with a three-car attached garage.
- E. The site can accommodate in excess of fifteen (15) vehicles.
- F. Topographically, a north-south ravine runs down the center of the site. From there, the site slopes upward to the east at an average grade of 15% and to the west at an average grade of 18%.
- G. A blue line perennial river runs along the south side of Chambers Road.
- H. Mature trees exist along the north, south, and west property lines of the site in question.

SURROUNDING LAND USES AND ZONING

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

PROPOSED DEVELOPMENT

- A. The applicant is proposing to use the lower level of the existing house for a three (3) bedroom short term rental.

STAFF COMMENTS

- A. The site is located along Chambers Road, a collector street.
- B. The site is located approximately 1,400 feet from the nearest approved Short Term Rental.
- C. Section 3191.C states that there shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests

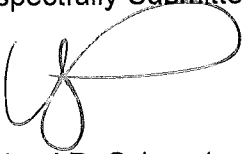
The submitted plan indicates that the lower level will have three (3) bedrooms. Based on the requirement, there can be no more than eight (8) guests at any given time.

- D. Should the Board take action to approve the submitted request, Staff is suggesting the following conditions be considered as part of that action:
1. The capacity of the short term rental shall be limited to no more than eight (8) persons.
 3. 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

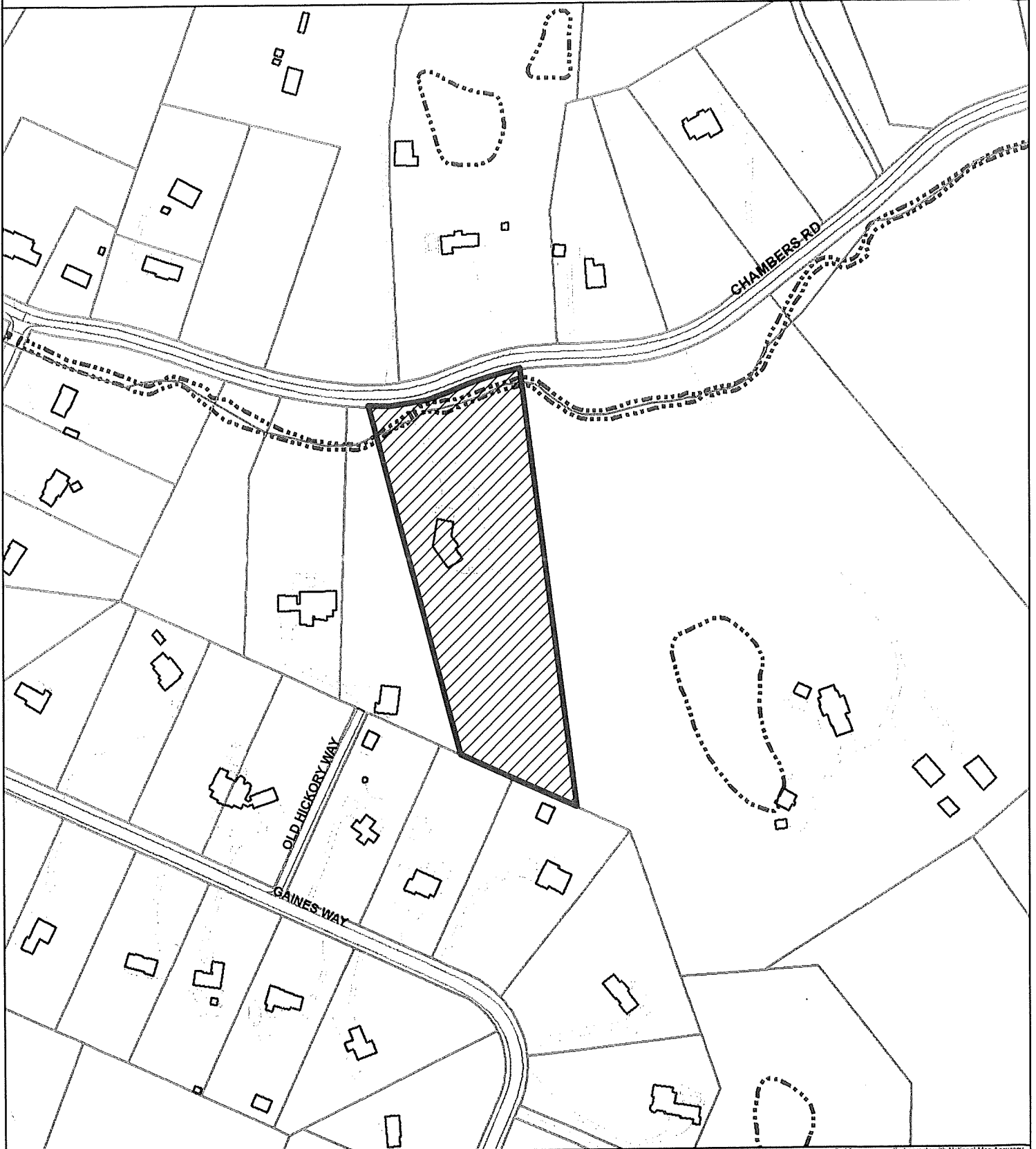
MDS/ss

Attachments

- *Vicinity Map
- *Aerial Map
- *Topographical and Floodplain 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

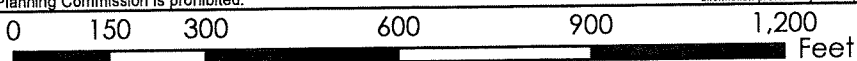
Vicinity Map

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Aerial Map

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0 150 300 600 900 1,200 Feet

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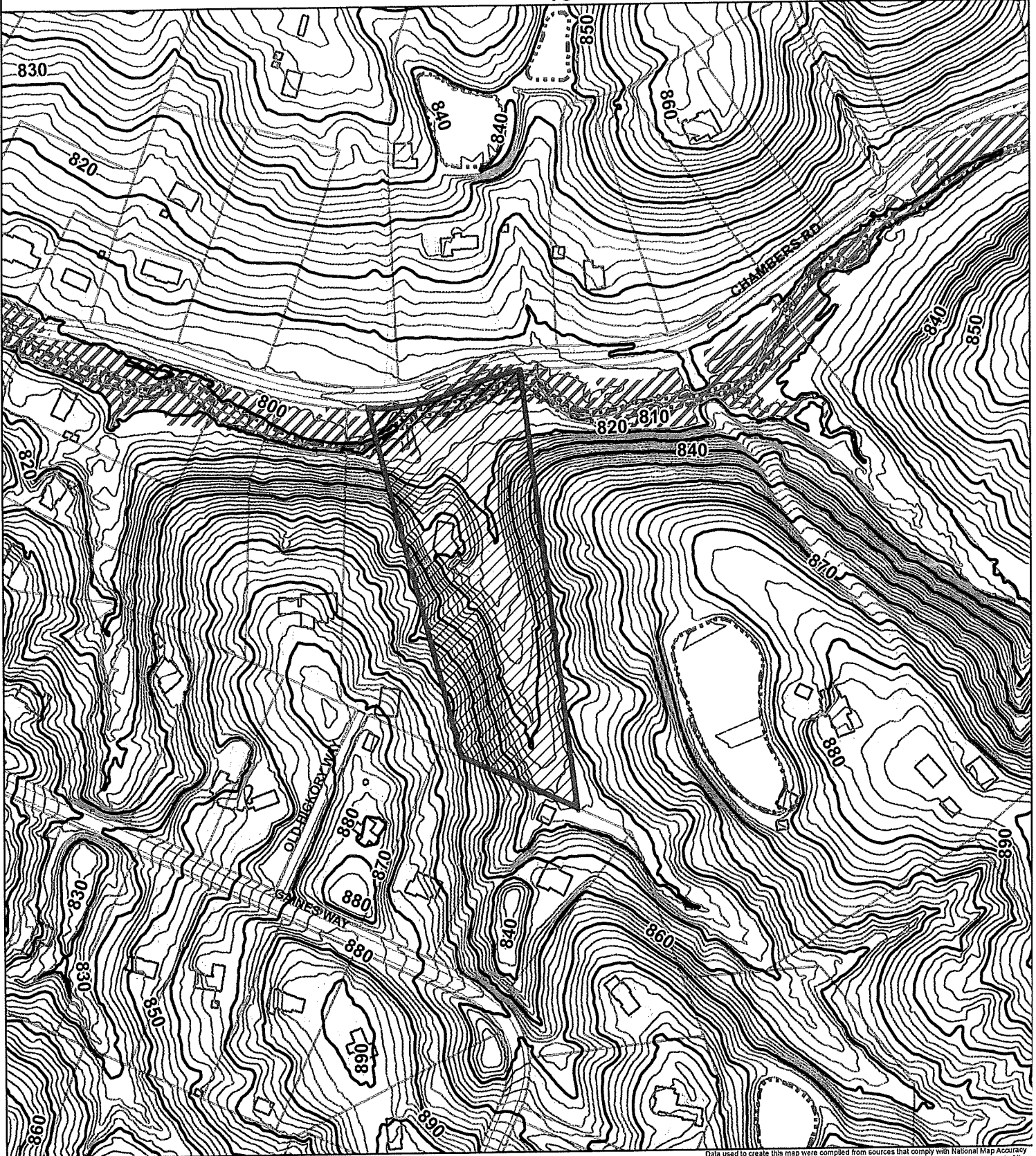


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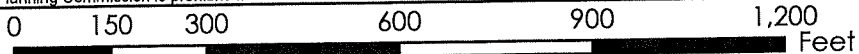
Topographic and Floodplain Map

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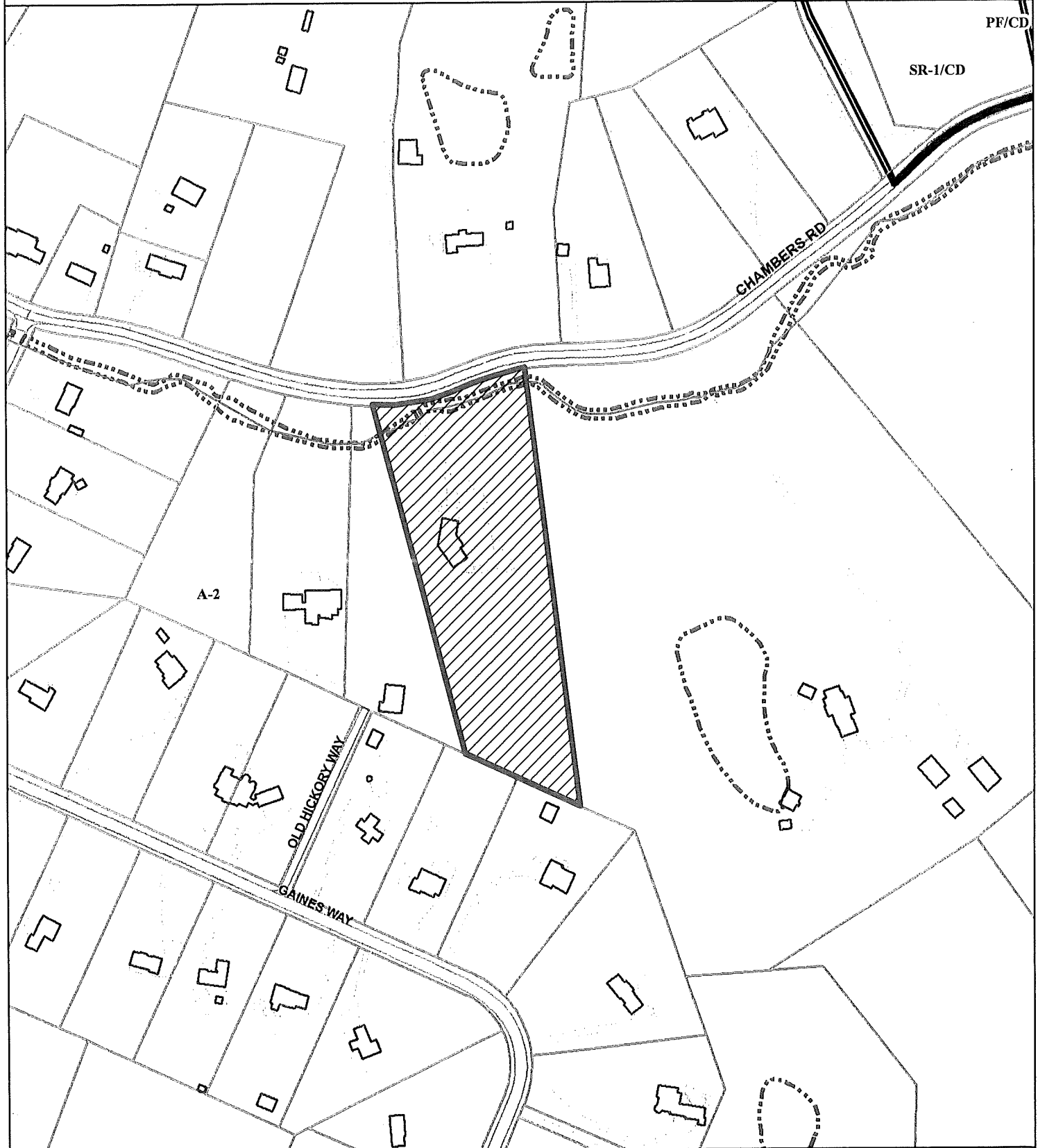


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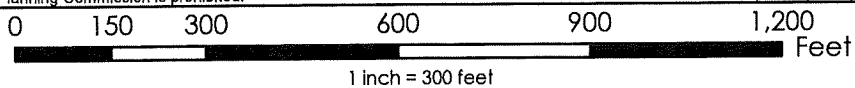
Zoning Map

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2040 Future Land Use Map

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet



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Map Created: xx/xx/2022

ArchMap Document: *.mxd

10. Proposed Use(s) on Site: renting out a portion of the home as a short term rental

11. Total Square Footage of Existing and/or Proposed Buildings: 5,150 sf Total / 2360 sf available for rental space

12. Current Zoning: A-2

13.	<u>D1206</u>	<u>791-793</u>	<u>2070</u>
	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: 8/10/23 Fee Received: \$766 Receipt #: 89007
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@boonecountky.org
www.boonecountky.org



BOONE COUNTY
KENTUCKY

Short Term Rental Unit Permit Application

Applicant Information

Applicant Name William Massie

Home Phone none Cell 541-297-4981

Mailing Address 575 Chambers Road

City Walton State KY Zip Code 41094

E-Mail wmassie@sause.com

Short Term Rental Unit Information

Short Term Rental Address 575 Chambers Road, Walton, KY 41094

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

Maximum Number Occupants Requested 10 (4 adults, 6 children) (Maximum of 10 occupants)

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

Name William Massie

Mailing Address 575 Chambers Road

City Walton State KY Zip Code 41094

Cell Phone 541-297-4981 Alternate Contact Number 541-297-0229

Email Address wmassie@sause.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. WM (initial)

Business Center

Details

Editing Business: WILLIAM MASSIE

Basic info

Business Name *

WILLIAM MASSIE

DBA

Massie Rentals

ACCOUNT NAME OR ADDRESS CHANGE: For changes to an account name or address, please complete the Account Information Update form. Please note that an ownership change requires that you close the existing record and apply for a new account. To close your account, please e-mail blt.str.support@govos.com and include your account number, closure date, and the reason for closure (i.e. sale of property or changing to a long term rental).

USER/ LOGIN OR EMAIL ADDRESS UPDATE: If you need to update the user email that is used to log into this account please complete the new user registration process. Remember, you will need your Six Digit Account Number and Activation Code from the "Manage Your Account Section" on the previous page in the Business Center. Once you have your account number and code written down, Click HERE to register a new user.

NO LONGER MANAGE THIS ACCOUNT? To remove this user login from managing this account, Click HERE, and use the red "Remove" Button to remove yourself from the account.

Make an Estimated Payment

You are not set up for automated tax forms. Please contact the County to request automated forms.

Profile

Entity Type

[1] Individual/Sole Proprietor (1040 Sch C, E, F)

Account Type

[] Business License - Boone County Only

TIF District

Please choose

Fiscal Year End Month

Dec

Status

Status

Active

Account Number

107628

Date Issued

Liability Date

Date Closed

09/01/2023

Licenses

License	Status	Issued	Exp
General Business Certificate	Pending	6/23/23	TBD

Location Accounts

None

Business Users and Roles

William Massie Taxpayer Admin

Business Physical Address

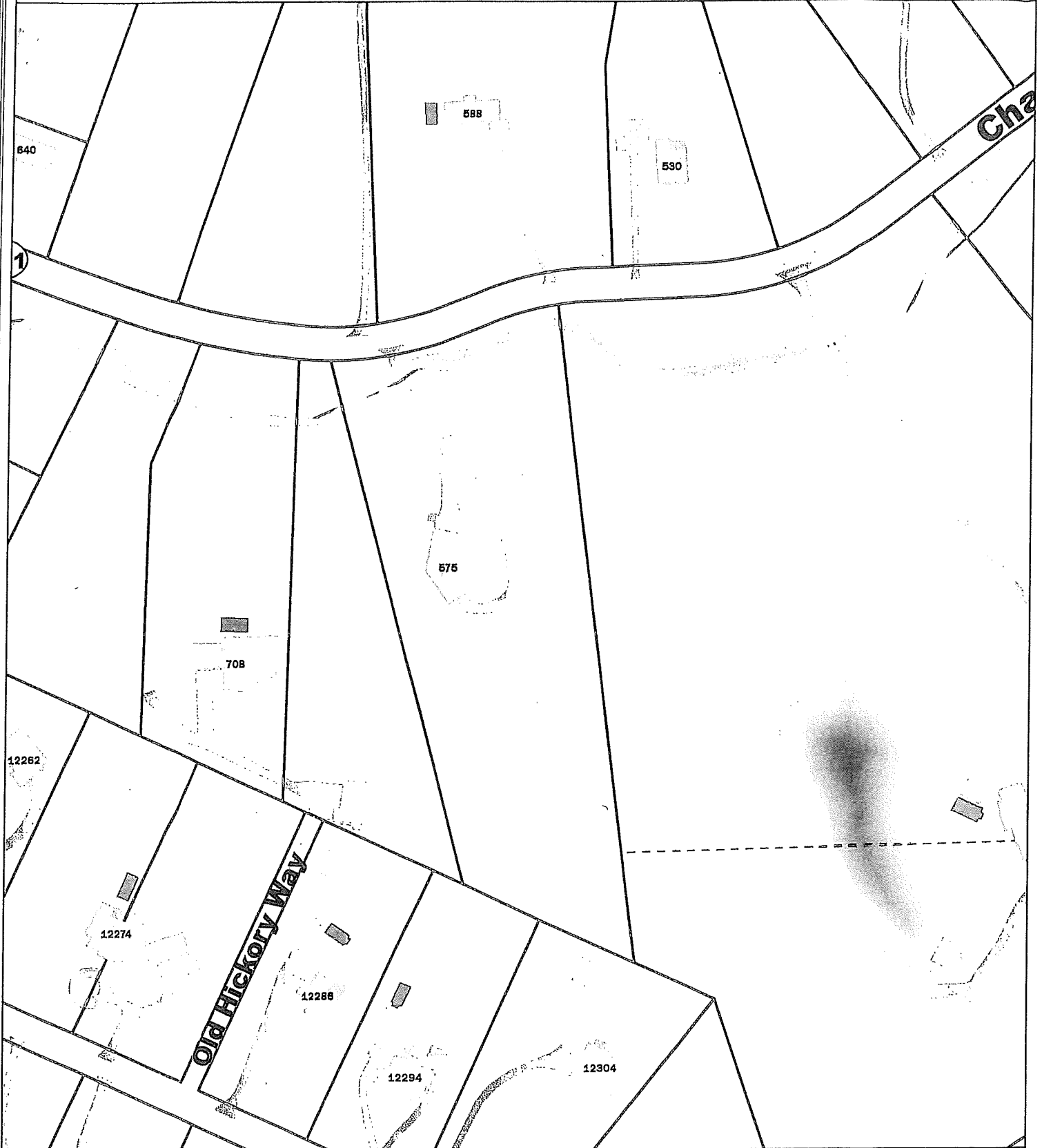
Country * United States	Business Phone 541-297-4981	
Address * 575 Chambers Road	Email wmassie@sause.com	
City * Walton	State * Kentucky	Postal * 41094

Mailing Address

Country *		
Address * 575 Chambers Road		
City * Walton	State/Province * KY	Postal * 41094

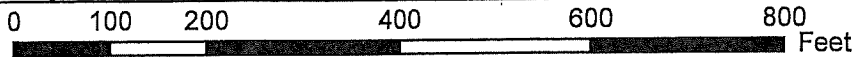
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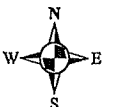


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ORDINANCE 2021-21

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 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 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 Office prior to applying for a Conditional Use Permit through the Boone County Board of Adjustment and Zoning Appeals. Applications for the Permit will be considered in the order in which they are received by the Occupational License Office. Failure to obtain a Conditional Use Permit from the Boone County Board of Adjustment and Zoning Appeals, within 90 days of the permit application, shall invalidate the application for the permit.

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

- 1) Name, address, phone number, and e-mail address of the owner of the Short Term Rental property.
 - 2) Verification that the applicant is the owner.
 - 3) Name, address, phone number, and e-mail address of the designated Local Emergency Contact.
 - 4) The maximum number of occupants requested for the dwelling unit or sleeping room in accordance with this Ordinance and consistent with the number permitted by zoning regulations.
 - 5) A submission of a sketch floor plan of the dwelling with dimensioned room layout.
 - 6) Self-Safety Inspection Form indicating all proper safety devices are in place and in good working order.
 - 7) Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto street, sidewalks or alleys; other public rights-of-way or public property.
 - 8) Applicant shall provide with the application a certificate of insurance or other valid proof of general liability insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity.
 - 9) Applicant shall attest to compliance and remain in compliance 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 Operator 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. This 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.

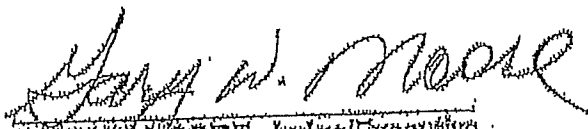
SECTION THREE


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

Michael Schwartz

From: Ferd Rabe <Ferd.Rabe@sekologistics.com>
Sent: Thursday, September 7, 2023 12:18 PM
To: Michael Schwartz
Subject: FW: Conditional use permit request for short term rental for lower level of house at 575 Chambers Rd, Boone County.

EXTERNAL MESSAGE

From: Ferd Rabe
Sent: Thursday, September 7, 2023 12:01 PM
To: plancom@boonecountyky.org
Subject: Conditional use permit request for short term rental for lower level of house at 575 Chambers Rd, Boone County.

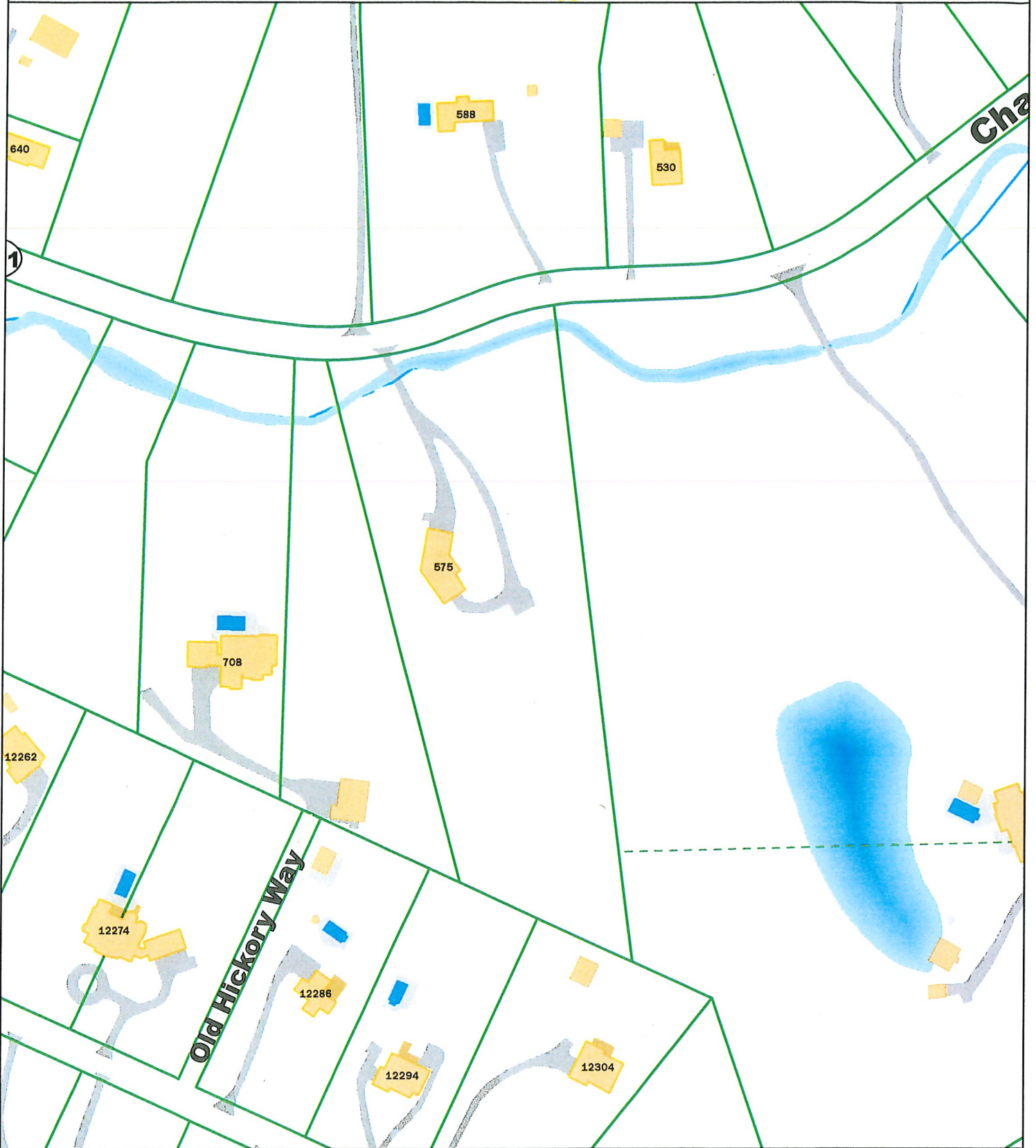
I am requesting that the Conditional Use Permit for 575 Chambers Rd. in Boone County requested by William P. Massie be denied. I have a farm adjoining 575 Chambers Rd. I have lived there for over 27 years. I have enjoyed living on Chambers and look forward to living there for as long as I can. I have made it a point to get to know my neighbors and can honestly say that I enjoy living near all of them. The last thing I ever expected to have to worry about was having people with no investment or interest in my privacy or property moving in and out every week or so next door to me. Not me or my neighbors will know anything about these renters or whether or not they are good people or criminals or sex offenders. There is a requirement that sex offenders register with the local authority when they live in that jurisdiction. I don't know if this would apply due to the short term involved but I would like it considered in this instance. I personally have nothing against Mr. Massie. However I question his Judgement in opening his house and family to complete strangers and subjecting his neighbors to this situation I have talked to many of my neighbors regarding this matter and have not had any one of them disagree with me. In closing I ask that you give consideration to this letter and deny Mr. Massie's request.

Thank You,

Ferd Rabe
521 Chambers Rd.
Boone County, KY 41094

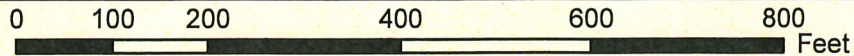
Boone County GIS Map

www.boonecountygis.com



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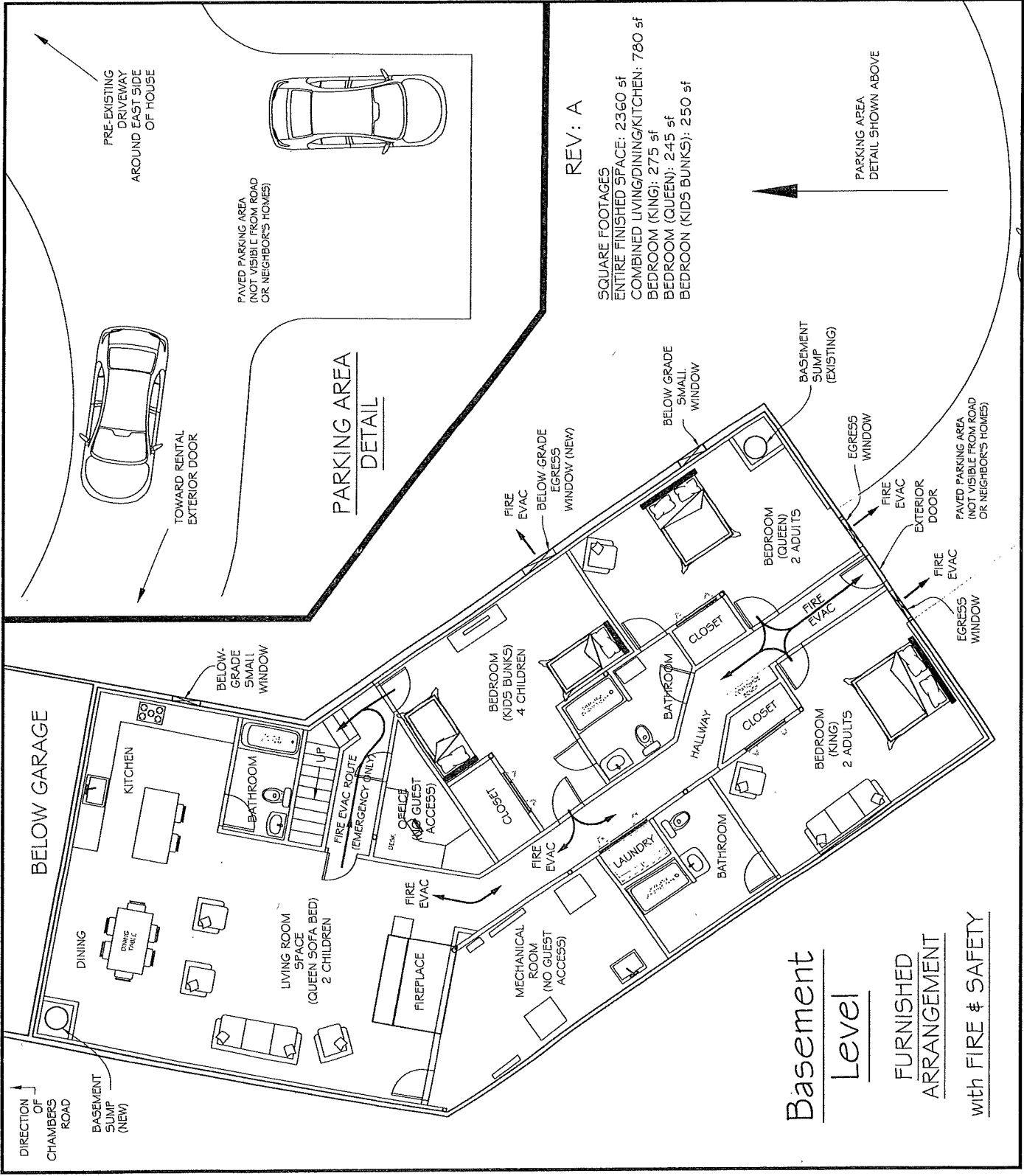


1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Property Address: 575 Chambers Road
 Walton, KY 41094
 Owner: Will Massie
 Phone: 541-297-4981
 Email: wmassie@sause.com



REV: A

SQUARE FOOTAGES
 ENTIRE FINISHED SPACE: 2360 sf
 COMBINED LIVING/DINING/KITCHEN: 780 sf
 BEDROOM (KING): 275 sf
 BEDROOM (QUEEN): 245 sf
 BEDROOM (KIDS BUNKS): 250 sf

Basement
Level
FURNISHED
ARRANGEMENT
 with FIRE & SAFETY

DIRECTION OF CHAMBERS ROAD

NORTH

PARKING AREA
 DETAIL SHOWN ABOVE

PRE-EXISTING DRIVEWAY AROUND EAST SIDE OF HOUSE

PAVED PARKING AREA (NOT VISIBLE FROM ROAD OR NEIGHBOR'S HOMES)

PARKING AREA
 DETAIL

TOWARD RENTAL EXTERIOR DOOR

FIRE EVAC BELOW-GRADE EGRESS WINDOW (NEW)

BELOW-GRADE SMALL WINDOW

BASEMENT SLUMP (EXISTING)

EGRESS WINDOW

FIRE EVAC EXTERIOR DOOR

FIRE EVAC EGRESS WINDOW

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

FIRE EVAC

BELOW GARAGE

DINING

KITCHEN

BATHROOM

LIVING ROOM SPACE (QUEEN SOFA BED) 2 CHILDREN

FIRE EVAC ROUTE (EMERGENCY ONLY)

EGRESS (NO GUEST ACCESS)

CLOSET

BEDROOM (KIDS BUNKS) 4 CHILDREN

BATHROOM

CLOSET

HALLWAY

CLOSET

BEDROOM (QUEEN) 2 ADULTS

BELOW-GRADE SMALL WINDOW

BEDROOM (KING) 2 ADULTS

BATHROOM

CLOSET

LAUNDRY

BATHROOM

CLOSET

Mechanical Room (No Guest Access)

MECHANICAL ROOM (NO GUEST ACCESS)

FIREPLACE

BASEMENT SLUMP (NEW)

EGRESS WINDOW

EGRESS WINDOW

EGRESS WINDOW

EGRESS WINDOW

EGRESS WINDOW

EGRESS WINDOW

EGRESS WINDOW

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CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
William Massie
575 Chambers Rd
Walton, KY 41094
2. ADDRESS OF PROPERTY
575 Chambers Rd
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Massie Short Term Rental
4. DEED BOOK 1206 PAGE NO. 791 GROUP NO. 2070
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 14th 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

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-031-A), for William Massie, Property Owner(s).

The following conditions will apply:

1. The capacity of the short-term rental shall be limited to no more than eight (8) persons.
2. All listings shall stipulate that pets and guns shall be prohibited.
3. 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 1206

PAGE NO. 791

GROUP NO. 2070