

**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: JUDY BOW
Address: 10434 MUSKET CIR
INDEPENDANCE KY 41051
City State Zip Code
Phone Number: 859 786 3289 Fax Number: _____
Email: judybow@gmail.com
- 4. Description of Request: SHORT TERM LICENSE
- 5. Name of Development: - 9
- 6. Location of Development: 9874 SPRUCE LN
Union KY 41091
~~INDEPENDANCE~~ City State Zip Code
- 7. Acreage Under Review: 35045 sq ft
- 8. Lot Number and Name of Subdivision (if part of a subdivision): 12
- 9. Current Owner: GARY MUNAFO
Address: 9874 SPRUCE LN
INDEPENDANCE KY 41091
City State Zip Code
Phone Number: 859 443 6432 Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: SHORT TERM RENTAL

11. Total Square Footage of Existing and/or Proposed Buildings: _____

12. Current Zoning: RS

13. 1029 _____ 21 _____ 2046 _____
Deed Book Page Group Number

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

15. Have you submitted a Site Plan with this request: Yes No

16. Have you submitted a list of adjoining property owners with this request: Yes No

17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

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

1. Date Received: 8/22/2023 Fee Received: \$816.00 Receipt #: 89071

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
www.boonecountyky.org

CONDITIONS OF APPROVAL

APPLICANT: Judy Bour, on behalf of Gary Munafo

LOCATION: 9874 Spruce Lane, Boone County, Kentucky

ZONING: Rural Suburban (RS)

DATE: September 13, 2023

1. Documentation from the Boone County Building Department shall be provided indicating the number of bedrooms that are in the house.
2. The capacity of the short term rental shall be limited to no more than eight (8) persons, unless it is determined that there are only three bedrooms in the house, in which case the maximum occupancy shall be adjusted accordingly.
3. (3) All listings shall stipulate that pets and guns shall be prohibited.
4. 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. Ms. Poston seconded the motion.

STAFF REPORT

#5

APPLICANT: Judy Bour, on behalf of Gary Munafo

LOCATION: 9874 Spruce Lane, Boone County, Kentucky

ZONING: Rural Suburban (RS)

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

1968 On August 7, 1968, the Boone County Planning Commission approved a Final Plat for Clearwood Subdivision, First Addition, creating the lot in question.

1969-

1974 Based on information contained in the Boone County GIS, the existing house was built.

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 RS district.
- D. Section 902. A of the Boone County Zoning Regulations states that "the purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low density suburban character. Such districts will largely be located to preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood."
- 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 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. Spruce Lane is a county maintained local street providing for two way traffic within an approximate twenty-three (23) foot pavement width. There are no sidewalks along the roadway.

SITE CHARACTERISTICS

- A. The approximate 0.80 acre area is located along the east side of Spruce Lane, approximately 1,100 feet north of Hathaway Road.
- B. The site has one hundred twenty (120) feet of frontage along Spruce Lane.
- C. Access to the site is provided by a single curb cut onto Spruce Lane.

- D. The site is currently occupied by a four-bedroom, detached residential structure, with a two-car attached garage.
- E. The site can accommodate parking for eight (8) vehicles, two in the garage and six on the driveway.
- F. Topographically, the site slopes upward from the street to the house at an average grade of 14% and then slopes downward to the rear of the lot at an average grade of 3%.
- G. A mature tree line exists along the west property line and along a portion of the south property line.
- H. Mature trees exist in the front yard of the site in question.

SURROUNDING LAND USES AND ZONING

North: Single-family residential dwellings (RS)
South: Single-family residential dwellings (RS)
East: Agricultural/undeveloped land (RSE)
West: Single-family residential dwellings (RS)

PROPOSED DEVELOPMENT

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

STAFF COMMENTS

- A. The site is located along Spruce Lane, a local street.
- B. The site is located approximately 8,800 feet from the nearest approved Short Term Rental.
- C. It takes one (1) turning movement to get to the site in question from the nearest arterial street, which is Hathaway Road.
- D. Spruce Lane terminates approximately two thousand one hundred (2,100) feet north of the site in question.
- E. Section 3191.C of the Boone County Zoning Regulations states that there shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests.

Section 3191.C.2 of the Boone County Zoning Regulations states that bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.

The submitted concept plan indicates that two (2) of the four (4) bedrooms in the house are less than one hundred twenty (120) square feet in size.

Based on these requirements and facts, the site can accommodate no more than eight (8) guests.

- F. 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.
 2. A Zoning Permit shall be submitted to, and approved by, the Boone County Planning Commission prior to any use of the property as a short term rental.

CONCLUSION

- A. KRS 100.237 and Section 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
- *Application
- *Boone County Short Term Rental Permit Application
- *Concept Development Plan
- *Boone County Ordinance Number 2021-31

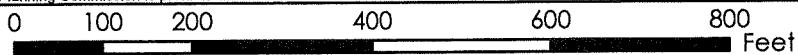
Vicinity Map

www.boonecountygis.com



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1 inch = 200 feet



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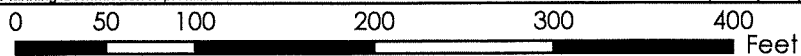
Aerial Map

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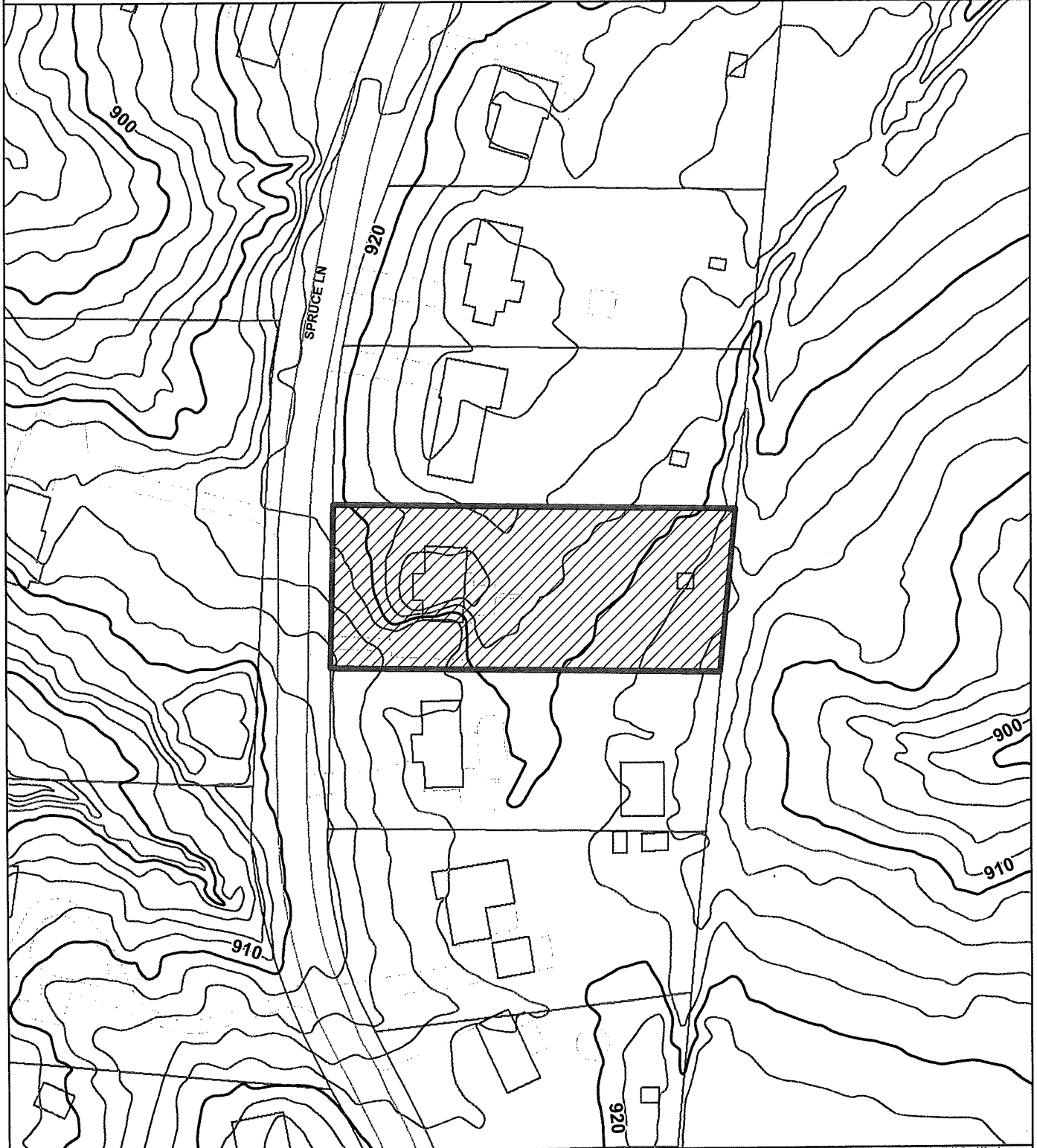
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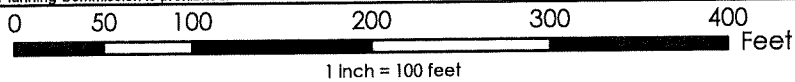
Topographic Map

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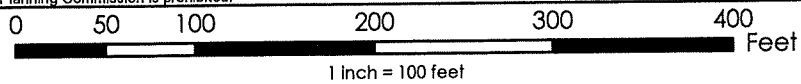
Zoning Map

www.boonecountygis.com



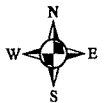
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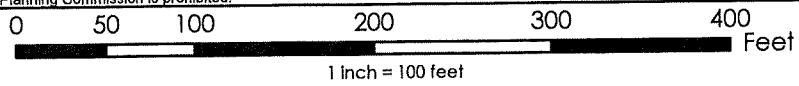
2040 Future Land Use Map

www.boonecountygis.com



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Map Data: 2018/01/01/2018
ArchMap Documents: 2018

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

RECEIVED
A 280711
AUG 22 2023
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
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Address: 10434 MUSKET CIR
INDEPENDANCE KY 41051
City State Zip Code
Phone Number: 859 786 3289 Fax Number: _____
Email: judybow@gmail.com
4. Description of Request:
SHORT TERM LICENSE
5. Name of Development: - 9
6. Location of Development: 9874 SPRUCE LN
Union
~~INDEPENDANCE~~ KY 41091
City State Zip Code
7. Acreage Under Review: 35045 sq ft
8. Lot Number and Name of Subdivision (if part of a subdivision): 12
9. Current Owner: GARY MUNAFO
Address: 9874 SPRUCE LN
INDEPENDANCE KY 41091
City State Zip Code
Phone Number: 859 443 6432 Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: SHORT TERM RENTAL
11. Total Square Footage of Existing and/or Proposed Buildings: _____
12. Current Zoning: RS
13. 1029 _____ 21 _____ 2046 _____
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

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

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

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

1. Date Received: 5/22/2023 Fee Received: \$16.00 Receipt #: 89871

2. Is application complete: _____

3. Staff Reviewer: _____

4. Scheduled Board Action Date: _____

5. Board Action: _____

_____ Approved

_____ Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

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



**BOONE COUNTY
KENTUCKY**

Short Term Rental Unit Permit Application

Applicant Information

Applicant Name JUDY BOUR

Home Phone 859 786 3289 (Cell)

Mailing Address 10434 MUSKET CIR

City INDEPENDENCE State KY Zip Code 41051

E-Mail judybour@gmail.com

Short Term Rental Unit Information

Short Term Rental Address 9874 SPRUCE DR UNION KY 41091

Number of Bedrooms: 4 Number of off-street parking spaces 7

Maximum Number Occupants Requested 8 (Maximum of 10 occupants)

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

Name JUDY BOUR

Mailing Address 10434 MUSKET CIR

City INDEPENDENCE State KY Zip Code 41051

Cell Phone 859 786 3289 Alternate Contact Number 859 468 4226

Email Address judybour@gmail.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. JB (initial)

Initial Permit Application

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

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

Short Term Rental Permit Renewal

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

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

JUDY BOW
Name (print)

Judy Bow
Signature

8/22/2023
Date

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

Office Use Only Below This Line

Boone County Planning Commission Approval: _____ Date _____

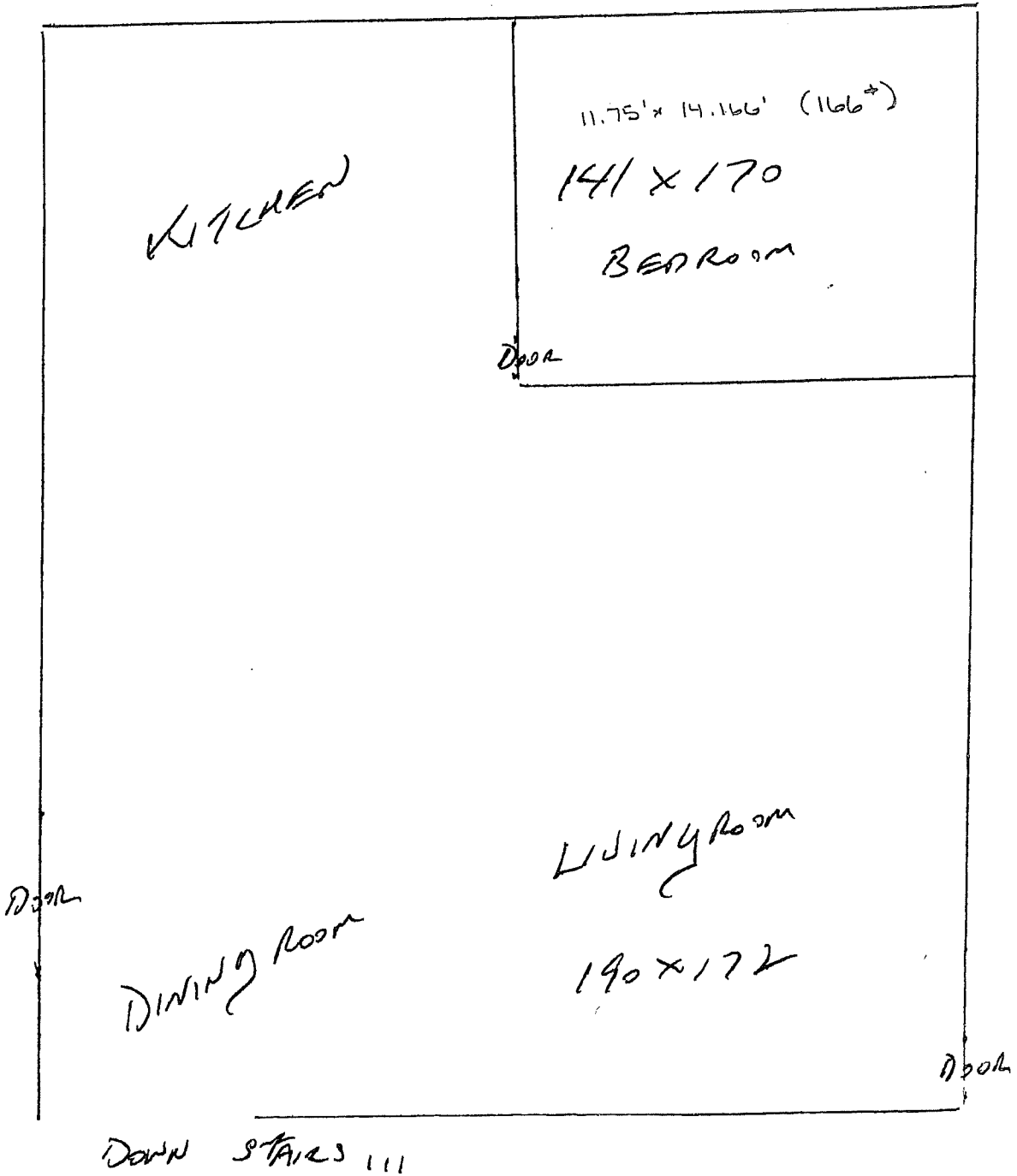
STRU License is: Approved Denied on this date _____

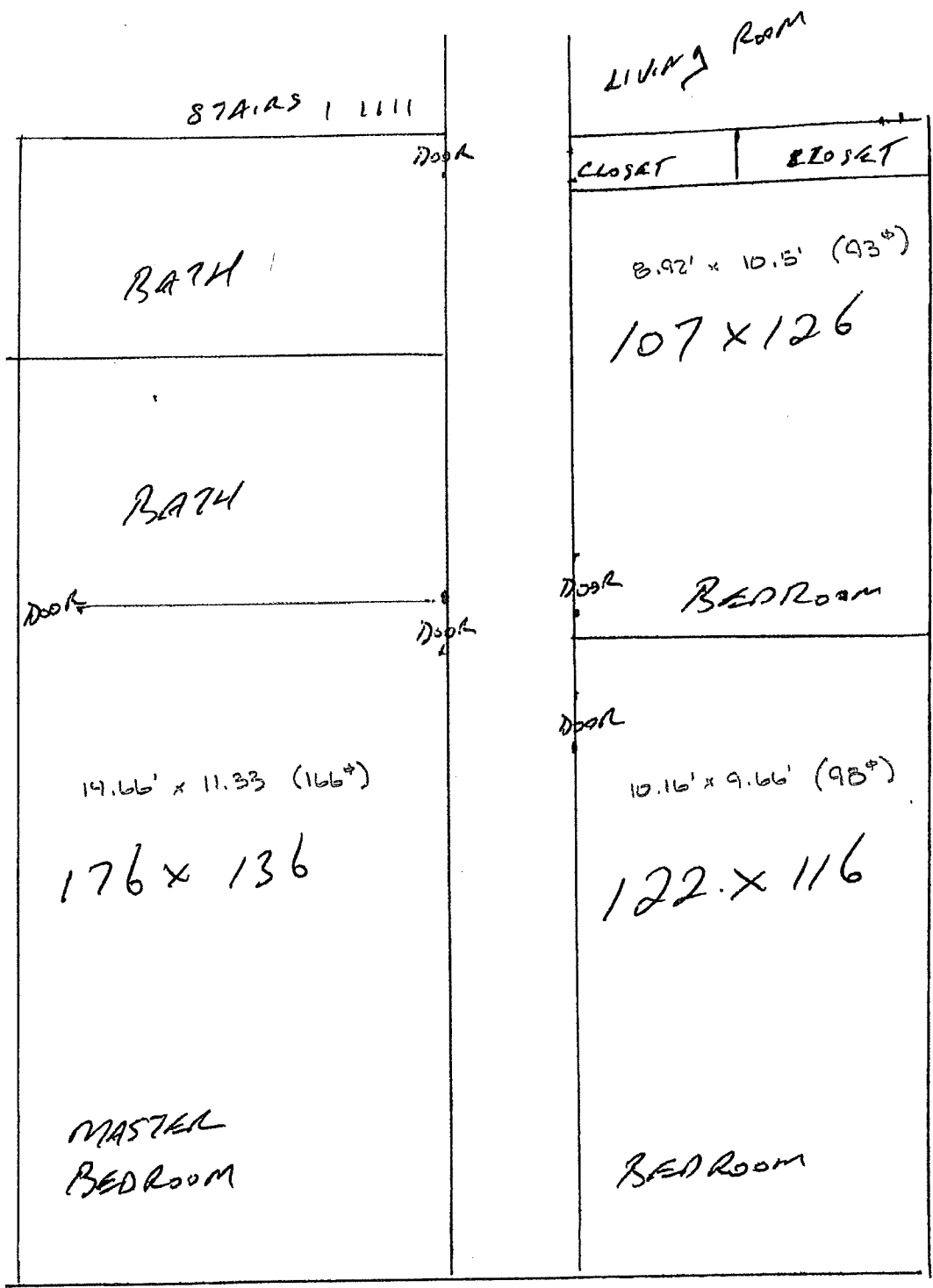
Boone County Fiscal Court _____ Date _____

Permit Number: _____

9874 SPRUCE DR

UNION KY 41091





GARAGE

UP STAIRS

LAUNDRY ROOM

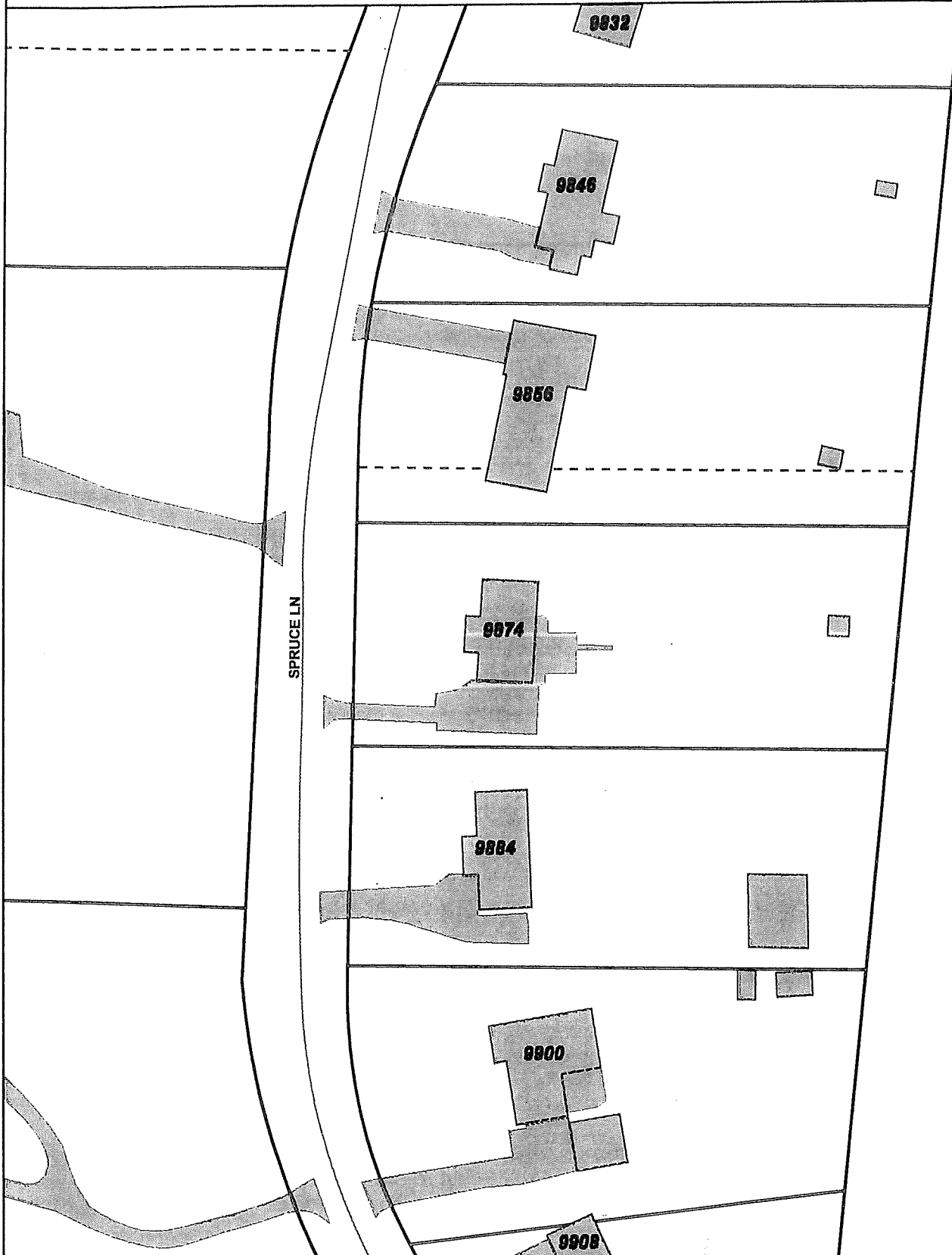
DOOR

GAME ROOM
OR
OFFICE

GAME ROOM

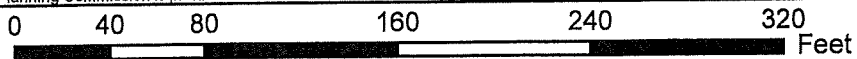
Boone County GIS Map

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ArcMap Document: *.mxd

CHAPTER 114: SHORT TERM RENTAL REQUIREMENTS

Section

- 114.01 Purpose and applicability
- 114.02 Definitions
- 114.03 Short term rental registration requirements and permits
- 114.04 Self safety inspection required
- 114.05 Restrictions on short term rentals
- 114.06 Information brochure
- 114.07 Safety features
- 114.08 Enforcement; civil fine and lien

§ 114.01 PURPOSE AND APPLICABILITY.

The purpose of this chapter 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.

(Ord. 2021-31, passed 9-19-21)

§ 114.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISE. 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. An individual, other than the applicant, who is able and available to respond to emergency calls for service within one 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. 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. 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.

RESIDENTIAL ZONING DISTRICTS. Includes all Boone County zoning districts for which short term rentals are a permitted use or conditional use.

SHORT TERM RENTAL (STR). The rental of a residential dwelling unit, or a portion thereof, for a period of less than 30 days. The term does not include:

(1) A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;

(2) A bed and breakfast; or

(3) A hotel/residence hotel.

(Ord. 2021-31, passed 9-19-21)

§ 114.03 SHORT TERM RENTAL REGISTRATION REQUIREMENTS AND PERMITS.

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

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

(B) 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 chapter 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, alleys, or 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 \$1,000,000 per occurrence which shall remain in effect at all times while engaged in the permitted activity; and

(9) Applicant shall attest to compliance and remain in comply with all aspects of applicable provisions of the International Building Code with Kentucky Amendments (adopted edition), NFPA

1124 (National Fire Protection Association, currently adopted edition), and all other applicable state, federal, or local laws or regulations.

(C) 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.

(D) 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 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 for the calendar year, prorated by month for the period of January 1 to the first 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.

(E) 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 chapter; or

(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.

(F) Any permit issued under the provisions of this chapter 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 chapter. 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.

(Ord. 2021-31, passed 9-19-21)

§ 114.04 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.

(Ord. 2021-31, passed 9-19-21)

§ 114.05 RESTRICTIONS ON SHORT TERM RENTALS.

(A) Use of 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, and the like.

(D) *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two 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 persons, adult and children.
- (2) Bedrooms under 120 square feet shall be limited to only one adult occupant.

(E) *Limits on number of vehicles.* A minimum of one 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 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 chapter 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; and
- (6) Knowingly permit the use of the short term rental for any illegal purpose or any use not permitted by residential zoning regulations.

(Ord. 2021-31, passed 9-19-21)

§ 114.06 INFORMATION BROCHURE.

Each owner operating a short term rental shall provide to guests information that includes:

(A) The owner's 24 hour contact information and/or a local responsible party's 24 hour contact information, if the property owner is not within the county limits when guests are renting the premises;

(B) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;

(C) 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; and

(D) Policy regarding pet(s).

(Ord. 2021-31, passed 9-19-21)

§ 114.07 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.

(Ord. 2021-31, passed 9-19-21)

§ 114.08 ENFORCEMENT; CIVIL FINE AND LIEN.

(A) The provisions of this chapter 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 chapter violations shall be served upon the owner of the structure either personally, by hand delivery to an adult 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 days of receiving notice of a violation of this chapter, 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 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.

(Ord. 2021-31, passed 9-19-21)

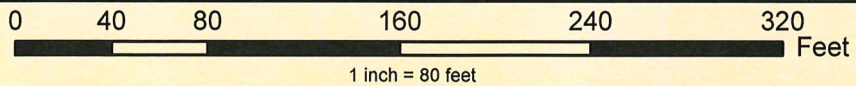
Boone County GIS Map

www.boonecountygis.com



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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Gary Munafo
9874 Spruce Ln
Union, KY 41091
2. ADDRESS OF PROPERTY
9874 Spruce Ln
Union, KY 41091
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Bour Short Term Rental
4. DEED BOOK 1029 PAGE NO. 21 GROUP NO. 2046
5. TYPE OF RESTRICTION(S) (Check all that apply)
- ___ Zoning Map Amendment: X Conditional Use Permit
From _____ To _____
- ___ 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-034-A), for Gary Munafa, Property Owner(s).

The following conditions will apply:

1. Documentation from the Boone County Building Department shall be provided, indicating the number of bedrooms that are in the house.
2. The capacity of the short-term rental shall be limited to no more than eight (8) persons, unless it is determined that there are only three bedrooms in the house, in which case the maximum occupancy shall be adjusted accordingly.
3. All listings shall stipulate that pets and guns shall be prohibited.
4. 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 1029

PAGE NO. 21

GROUP NO. 2046