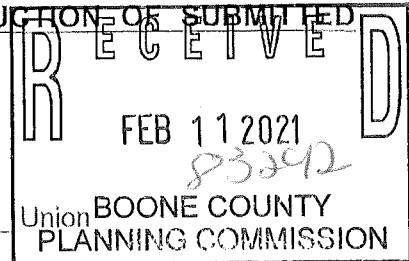


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations



SECTION A (To be completed by applicant)

1. (Check One) Boone Florence Walton

2. Conditional Use Permit Variance Appeal

3. Applicant's Name Marlys Arlinghaus

Property Applicant's Address 8 STUDE CIRCLE Florence KY 41042

4. Phone Number 859 801 7143 Fax No. E-Mail unionhaus10@gmail.com

4. Description of Request: STR

5. Name of Development Fitzgerald

6. Location of Development Florence KY 41042

7. Acreage Under Review .25

8. Lot Number and Name of Subdivision (if part of a subdivision) Lot 5 Sec 1 Fitzgerald F4-11-23

9. Owner of Property Paul & Marlys Arlinghaus

Address of Property Owner 11363 Big Bone Rd Union KY 41091

10. Phone Number 859 801 7143 Fax No. E-Mail unionhaus10@gmail.com

11. Proposed Use(s) on Site STR

12. Total Square Footage of Existing and/or Proposed Buildings

13. Current Zoning on Property SRI

14. Deed Book 1085 Page No. 123 Group No. 530

15. Is the site subject to a zone change? If yes, give date of approval

16. Have you submitted a Site Plan with this request? yes

17. Have you submitted a list of adjoining property owners with this request? yes

18. 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: Marlys Arlinghaus

ORIGINAL Applicant's Signature: Marlys Arlinghaus

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 2-11-21 Fee Received \$ 816.00 Receipt # 83242
2. Is application complete? Yes No
3. Staff Reviewer Todd Morgan
4. Scheduled Board Action Date _____
5. Board Action:
3/11/21 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE 3/11/21 Meeting
MINUTES + C.L.U.R.
7. Reasons for Denial: _____

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

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT

APPLICANT: Marlys Aringhaus

LOCATION: 8 St. Judes Circle, Florence, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: March 11, 2021

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow the single-family residential dwelling located at 8 St. Judes Circle to be used for short term rentals.

PERTINENT HISTORY

In December 2020, the City of Florence approved two Ordinances pertaining to Short Term Rentals. The first Ordinance, O-19-20, approved and adopted text amendments to the Boone County Zoning Regulations pertaining to the short term rental of property. This Ordinance permits the short term rental of property as a Conditional Use in the following zoning districts:

- Rural Suburban (RS)
- Suburban Residential One (SR-1)
- Suburban Residential Two (SR-2)
- Suburban Residential Three (SR-3)
- Urban Residential One (UR-1)
- Urban Residential Two (UR-2)
- Urban Residential Three (UR-3)
- Residential One Family (R-1F)

The second Ordinance, O-20-20, established regulations for short term rentals. Section III of the Ordinance outlines the city's registration and permitting requirements. The applicant is required to submit a registration and permit with the City of Florence prior to submitting a Conditional Use Permit application. The City of Florence acts on their application once the Board of Adjustment acts on the Conditional Use Permit application.

APPLICABLE REGULATIONS

Section 3191 of the Boone County Zoning Regulations contains the following standards for short term rentals that must be met:

- A. Except as provided for in ARTICLE 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.

Staff Comment: Staff would like the applicant to clarify if she wants to have any signage on site that advertises the short term rental. If so, Staff recommends that such signage should be limited to one professional name plate sign that is 6 square feet or less.

sum

how zoning map →

- 20
Show
pic. of
prop.
- B. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).

Staff Comment: The submitted plans show the primary dwelling on site would be rented.

- C. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional guests, except for the following:

1. There shall be a maximum occupancy of ten (10) persons, adult and children.
2. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.

20
Show
Floor
plans

Staff Comment: The submitted plans show the house contains 4 bedrooms and each is 120 square feet or larger. The applicant's brochure indicates the house can accommodate a maximum of 10 guests.

- D. In addition to the required parking for the residence, a minimum of one parking space shall be provided per guest room or suite. All parking for a short term rental, whether required by these regulations or in excess of these regulations, shall be provided off-street.

20
Show
pic.
of prop.

Staff Comment: The requirement for this short term rental is parking for 6 vehicles on site. Staff confirmed the existing driveway can accommodate 6 vehicles. The applicant's brochure needs to be updated to say that all guests need to park on the driveway and not the public street. Brochure updated

- E. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

Staff Comment: Staff would like the applicant to address this. The Brochure indicates this

- F. The property on which the short term rental is to be located shall not be located closer than one thousand (1,000) feet, measured in a straight line from the nearest property line to the nearest property line of any other approved short term rental. Such permits shall be given on a first come, first serve basis.

Staff Comment: This is the first application for a short term rental. As a result, there are no other legal short term rentals within 1,000 feet of this property.

- G. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.

Staff Comment: The submitted plans do not indicate that any interior or exterior renovations are proposed. Staff would like the applicant to confirm that this standard will be met.

H. It shall be unlawful:

- 1. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20.

Staff Comment: The City of Florence has made Staff aware that the applicant has already filed their permit. The City of Florence is waiting on the Board to act on this Conditional Use Permit application before acting on the permit.

2. To advertise or offer a short term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short term rental, online or offline, shall be considered evidence of a violation of this regulation.

3. To operate a short term rental that does not comply with all applicable city and state laws and codes.

4. To operate a short term rental without paying the required hotel occupancy taxes.

5. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95).

- 6. 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.

Staff Comment: The applicant's brochure indicates that no parties are allowed. Staff would like the applicant to address how she plans to monitor this prohibition.

7. Permit the use of the short term rental for any illegal purpose or any use not permitted by the residential zoning regulations.

- I. Depending on the scope of improvements, a Zoning Permit or Tenant Finish Permit per ARTICLE 4, or a Minor Site Plan or Major Site Plan per ARTICLE 30, shall be submitted to and approved by the Planning Commission prior to constructing any improvements and operating a short term rental.

→ *Staff Comment: The applicant's plans do not show that any exterior improvements are proposed. Staff would like the applicant to confirm this is correct.*

Article 40 of the Boone County Zoning Regulations defines a short term rental as "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.”

Section 933 of the Boone County Zoning Regulations identifies short term rentals as a conditional use within the SR-1 district.

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.

The Board should evaluate this request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 933 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

- a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County’s Comprehensive Plan, a specific corridor plan and/or the zoning order;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
- c. Will not be hazardous to existing or future neighboring uses;
- d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;
- e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
- g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Criteria listed in Section 933 of the Boone County Zoning Regulations (SR-1 District):

- a. The activity is an integral and subordinate function of a permitted use; or
- b. The activity will not contradict the low density character of the district; and

- c. The arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Section 930 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 are services are available or proposed.”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for “Suburban Density Residential” uses. This future land use classification is defined 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:

- * 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).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

- * 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).

A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city (Demographics Goal B, Objective 1).

Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to the dwelling unit type and density (Demographics Goal B, Objective 4).

SITE CHARACTERISTICS

- A. The approximate 0.19 acre property is located along the north side of St. Judes Circle, and is approximately 680 feet northeast of the Dixie Highway/St. Judes Circle intersection.
- B. The property contains a two–story brick house, with a basement. The exterior of the house contains a covered front porch, covered rear porch, and a covered side entry.

*Comp
Plan*

- C. Access to the property is provided from a concrete driveway which connects to St. Judes Circle. The driveway is approximately 122' long and extends beyond the house.
- D. A garden shed is located in the rear yard.
- E. The subject house is located approximately 25' from the adjoining households to the northeast and southeast.
- F. Boone County G.I.S. shows the topography of the site falls from 898' above sea level at the southwest property corner to 888' above sea level at the northeast property corner.

SURROUNDING LAND USES AND ZONING

- Northeast: Single-family dwelling fronting on St. Judes Circle (SR-1)
- Northwest: Single-family dwellings fronting on St. Judes Circle (SR-1)
- Southeast: Single-family dwellings fronting on St. Judes Circle (SR-1)
- Southwest: Single-family dwelling fronting on St. Judes Circle (SR-1)

STAFF COMMENTS

- A. Staff would like to note that the applicant must have a Conditional Use Permit approved by the Board of Adjustment and a Short Term Rental Permit issued by the City of Florence before the property can be used for short term rentals. The City of Florence will not act on the Short Term Rental Permit until the Florence Board of Adjustment acts on the Conditional Use Permit application.

A copy of City of Florence Ordinance O-20-20 has been attached to the Staff Report. This Ordinance includes the City of Florence short term rental registration and permitting requirements, restrictions on short term rentals (these are the same standards as Section 3191), information brochure requirements, safety feature requirements, and zoning enforcement procedures if there are violations.

Section III of the Ordinance lists the City of Florence registration and permitting requirements. Condition #5 indicates the initial city permit would be valid for 365 calendar days from the time it's issued and can be renewed for successive 365 calendar day periods as long as the applicant continues to qualify for a Permit. Conditions #6 and #7 list reasons why the City of Florence could deny permit renewal, revoke a permit, and the process the property owner could go through to contest a revocation.

- B. Staff would like the applicant to address the following:
 - 1. Where does she live and how frequently would she visit the property if the Conditional Use Permit and City Permit are approved?

*Case Enforcement
Noting since 2018*

*Florence
Police no
calls in last
2 years*

2. Staff's understanding is that the house has been rented for 30 day plus time periods. Is this correct? Have the owners received any complaints? Have there been any party, noise, or damage issues?
3. Could the house be rented for a night or two?
4. Are there any plans to make any additional exterior improvements that would encourage guests to spend time outdoors? Examples are fire pits, pools, basketball goals, etc.
5. The Board needs to analyze the Conditional Use Permit criteria found in the Staff Report and determine if the use is appropriate at the subject location.

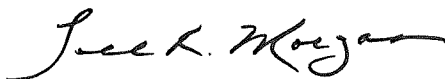
Staff believes the following criteria are key in making this determination:

- A. (The use) 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.
- B. The activity will not contradict the low density character of the district.

CONCLUSION

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

Respectfully Submitted,



Todd K. Morgan, AICP
Senior Planner

TKM/ss

Attachments

- *Site Vicinity Map
- *Applicant's house plans and brochure
- *Zoning Map
- *2020 Aerial Map
- *Topographical Map
- *2040 Future Land Use Map
- *City of Florence Ordinance O-20-20
- *Application

6. Exhibits

- ① Applicant revised brochure addressing parking
- ② Fax from Ms. Freeman
- ③ Email from Barb Retherford
- ④ Email from Applicant Addressing Concerns

SITE VICINITY MAP

www.boonecountygis.com

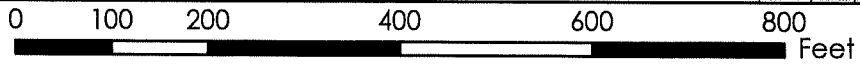


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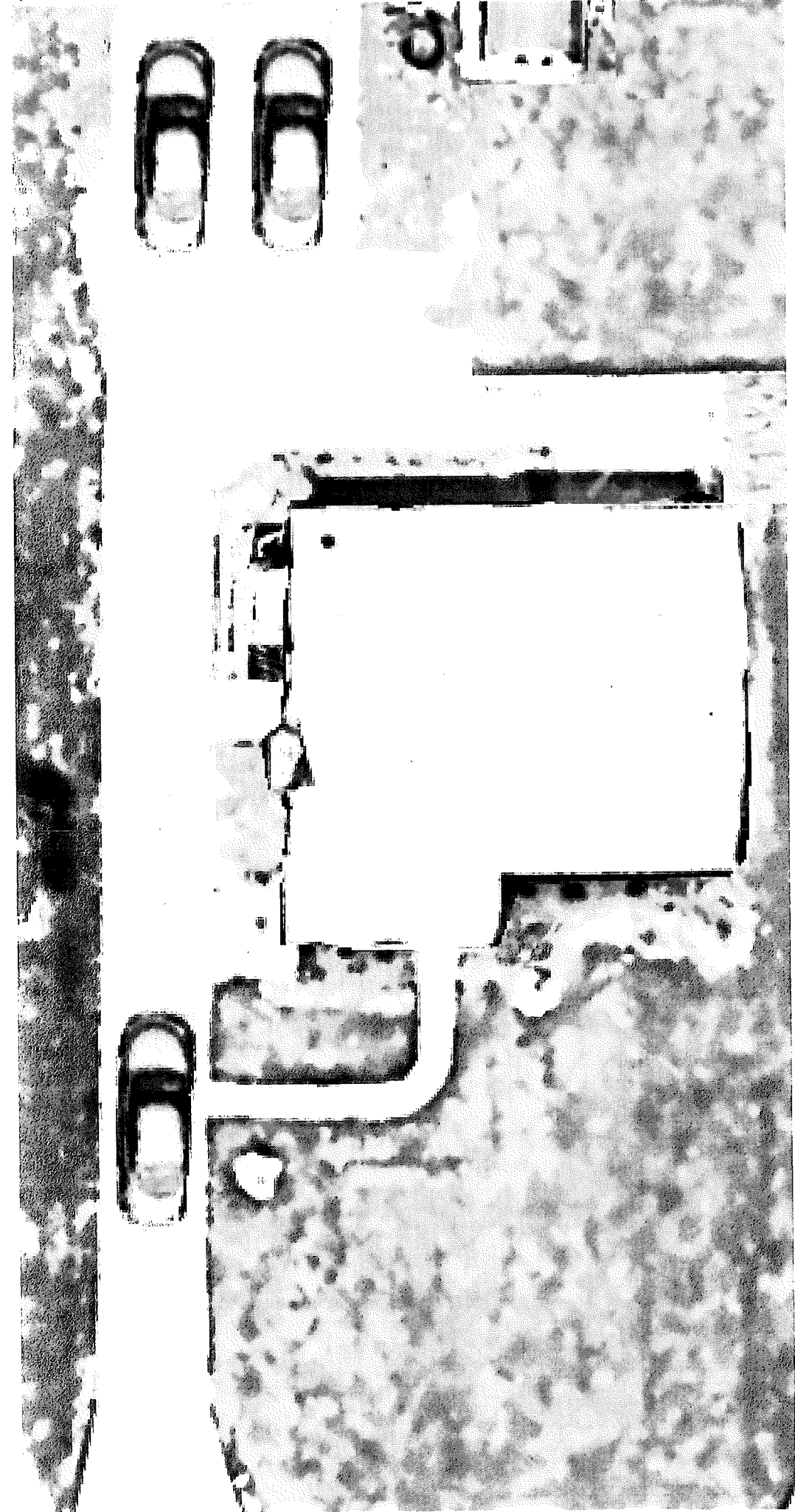


Boone



1 inch = 200 feet



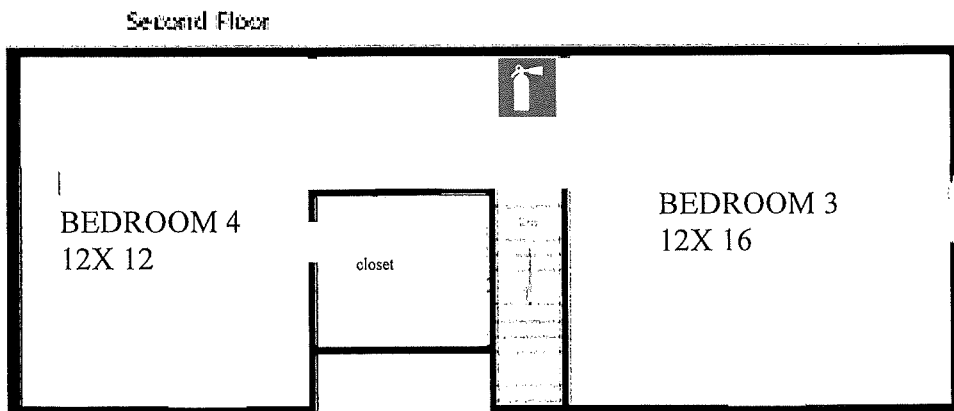
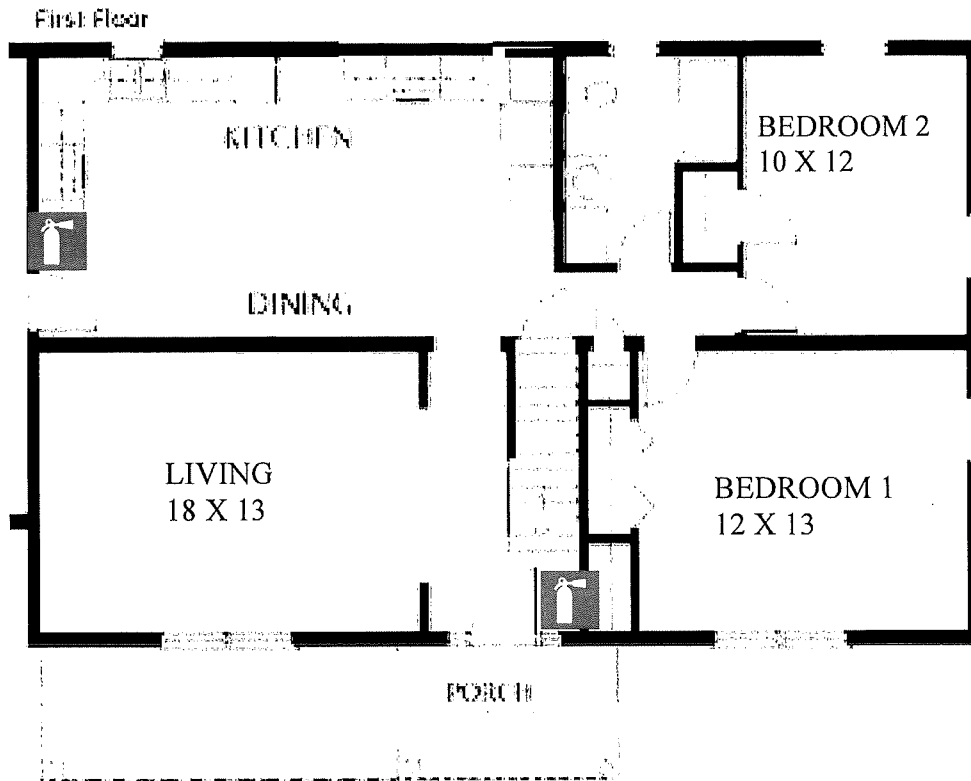


8 St. Jude Circle
Florence, KY 41042
Agnus Dei Rentals LLC
Paul & Marlys Arlinghaus
859-801-7143

Parking
3/16" scale

8 St. Jude Circle, Florence, KY 41042
Agnus Dei Rentals LLC
Paul & Marlys Arlinghaus
859-801-7143

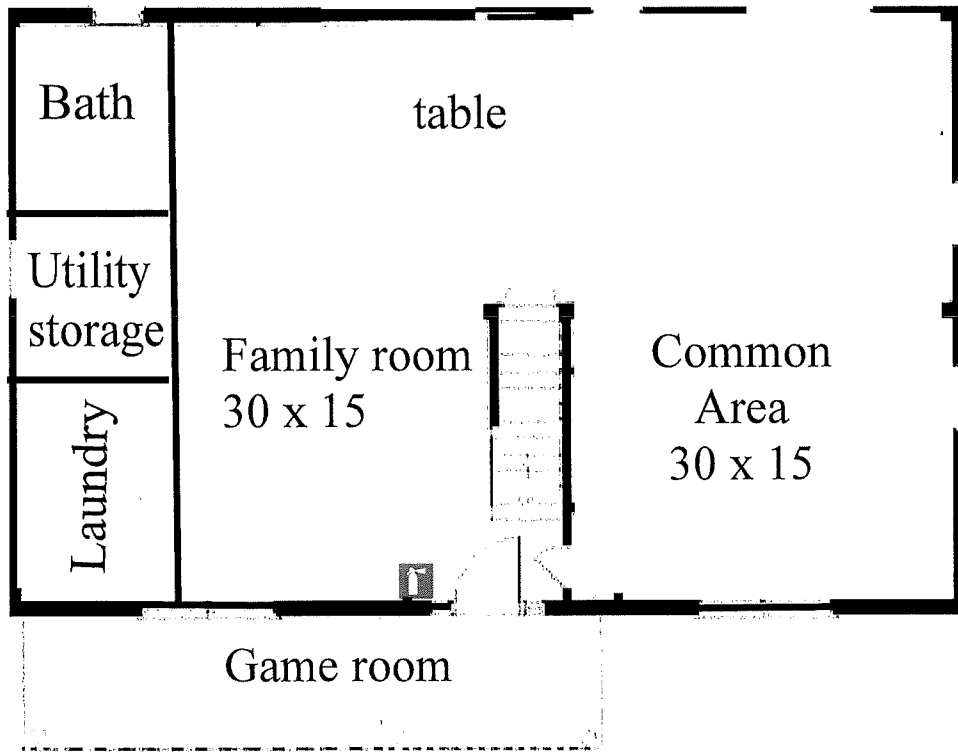
First and Second Floor Layout
1/8" scale



fire extinguisher

8 St. Jude Circle, Florence, KY 41042
Agnus Dei Rentals LLC
Paul & Marlys Arlinghaus
859-801-7143

Basement Layout
1/8" scale





Agnus Dei Rentals LLC

Property address is:

8 St. Jude Circle, Florence, KY 41042

Welcome to the Anchor of Hope

Please contact us if you have any problems or questions 24/7.

Marlys 859-801-7143 or Paul 859-801-7142

In case of Emergency dial 911

Non-emergency for Police 859-647-5420

Non-emergency for Fire 859-371-1234

Poison Control Center 1-800-222-1222

St. Elizabeth Hospital 859-212-5200

4900 Houston Road, Florence, KY 41042

Florence Urgent Care 859-643-8677

Open 8 -8 7683 Mall Road, Florence, KY 41042

In case of severe weather tune into local stations on the TV.

News 9, 12, or 19

Trash collection is Tuesday AM Please, set the cans out on Monday evening.

Parking on the driveway or in the back. Street parking is across from the house.

No parking on our side of the street.

Quiet hours between 9 PM and 8 AM. Please be considerate of the neighbors.

No parties allowed. No pets allowed.

10 guest maximum

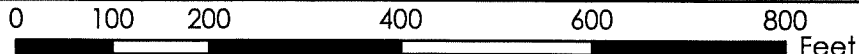
ZONING MAP

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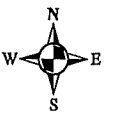
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1 inch = 200 feet



Boone



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2020 AERIAL MAP

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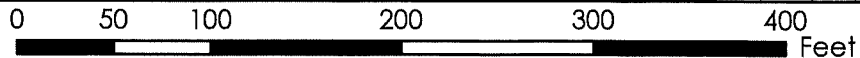


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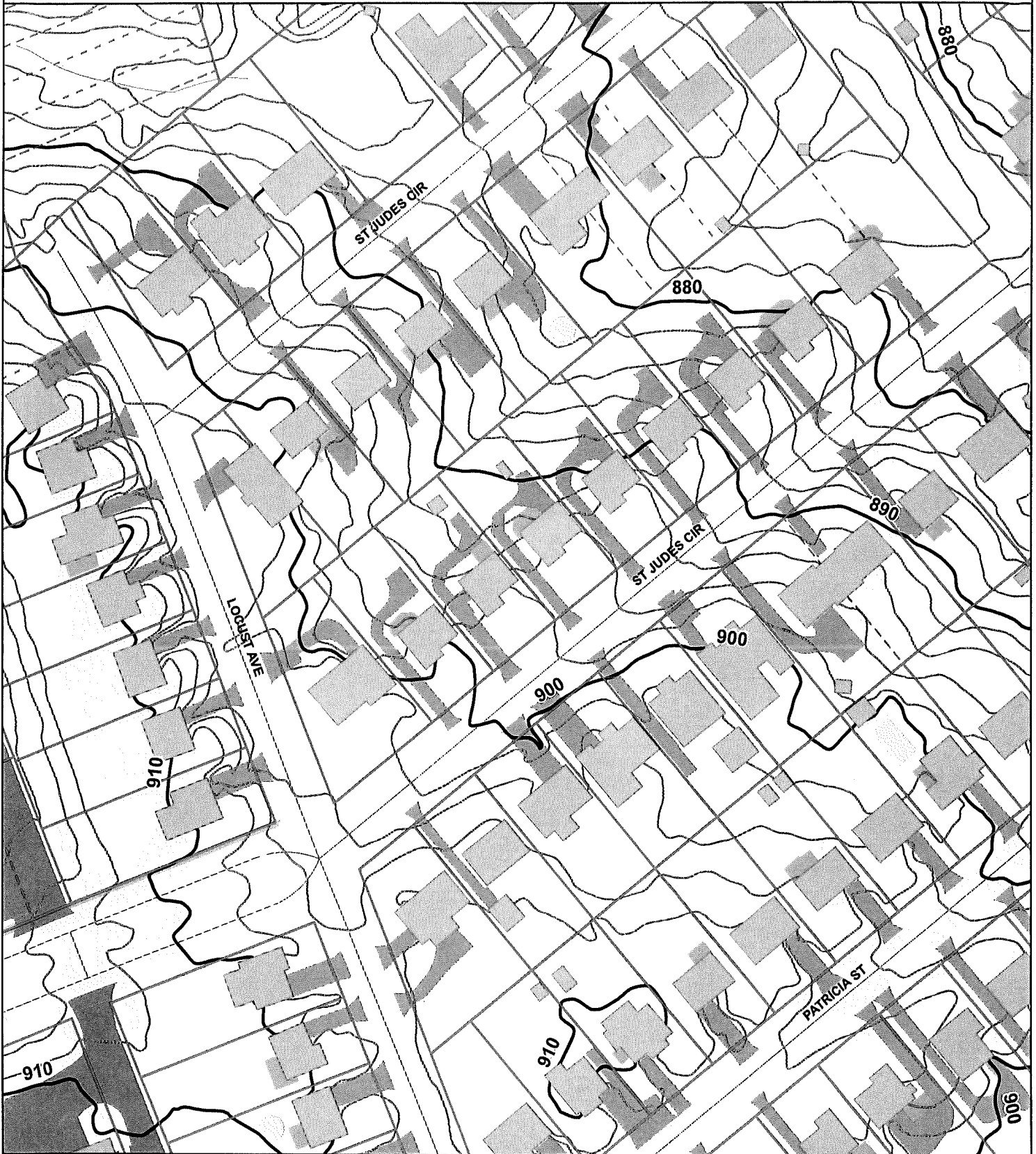


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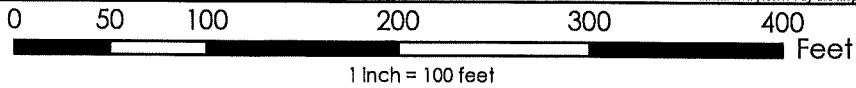
TOPOGRAPHICAL MAP

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ArcMap Document (*.mxd)

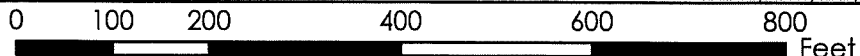
2040 FUTURE LAND USE MAP

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

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ArcMap Document: *.mxd

**CITY OF FLORENCE, KENTUCKY
READING SUMMARY**

ORDINANCE NO. O-20-20

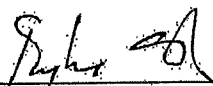
**AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, RELATING TO
SHORT TERM RENTALS**

The purpose of this Ordinance is to establish regulations for Short Term Rentals (STR) in order to allow property owners to occasionally utilize their properties for that purpose in a manner which will not negatively affect adjacent properties.

The Ordinance defines STR as a residential dwelling unit or portion thereof rented for a period of less than 30 days. An owner wishing to utilize residential property for a STR must register with the City and obtain a permit. The Ordinance identifies residential zoning districts in which a STR is a conditional use which requires a conditional use permit from the Florence Board of Adjustment and Zoning Appeals. The Ordinance further provides that in the Main Street Overlay District, STRs are principally permitted uses not requiring a conditional use permit. In the residential zoning districts, STRs cannot be closer together than 1000 feet. The Ordinance specifies a manner in which STRs must be operated dealing with subjects such as occupancy limits, parking, advertisement, compliance with existing laws, including the City Noise Ordinance, and safety features. There are provisions for revocation of permits and an appeal process therefrom. Enforcement of the Ordinance shall be handled through the City's Code Enforcement Board.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 8th day of December, 2020, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES, KBA#64730
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-20-20**

AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, RELATING TO SHORT TERM RENTALS.

WHEREAS, the City Council has determined that there is a need to address regulations for Short Term Rentals (STR) in order to allow property owners to occasionally utilize their properties for that purpose in a manner which shall not negatively impact property values; and

WHEREAS, the City Council has reviewed the STR Study provided by the Boone County Planning Commission staff; 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 No. O-19-20, which will be enacted concurrently with this Ordinance; and

WHEREAS, the City Council has determined that regulations are necessary to protect the public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I - 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 residential zoning districts, and the Main Street Overlay District.

SECTION II – 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:

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 resides within 20 miles of the subject property, 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 if ordered to take possession of real property by a court.

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

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

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

Residential Zoning Districts: Includes RS, R-1F, RPD, SR-1, SR-2, SR-3, UR-1, UR-2 and UR-3 zoning districts.

SECTION III - SHORT TERM RENTAL REGISTRATION REQUIREMENTS AND PERMITS

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

1. Applications for the Permit shall be submitted to the City prior to applying for a Conditional Use Permit through the Florence Board of Adjustment and Zoning Appeals. Applications for the Permit will be considered in the order in which they are received by the City. Failure to obtain a Conditional Use Permit from the Florence 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:
 - a. Name, address, phone number, and e-mail address of the owner of the Short Term Rental property.
 - b. Verification that the applicant is the owner.
 - c. Name, address, phone number, and e-mail address of the designated Local Emergency Contact.
 - d. The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with this Ordinance.

- e. A submission of a sketch floor plan of the dwelling with dimensioned room layout.
 - f. Self-Safety Inspection Form indicating all proper safety devices are in place and in good working order.
 - g. 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.
2. Applicant shall obtain an occupational license from the City of Florence.
3. Applicant shall provide 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.
4. Applicant shall 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.
5. The initially issued Permit shall expire 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 day periods so long as the applicant continues to qualify for issuance of the Permit. Applications for renewal periods shall be made to the Finance Department on forms approved by the City. The fee for the initial permit period, payable at the time of application, shall be \$500.00. The fee for any subsequent permit period, payable at the time of application, shall be \$250.00.
6. Upon receipt of an application for renewal of the registration, the City Coordinator or other designee may deny the renewal if there is reasonable cause to believe that:
 - a. The Owner has violated any ordinance of the City, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
 - b. There are grounds for suspension, revocation, or other registration sanction as provided in this Ordinance.
 - c. The Owner fails to apply for, be issued or appropriately renew a City of Florence Occupational License.
7. Any Permit issued under the provisions of this Ordinance may be revoked by the City Coordinator 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 Mayor may be obtained by filing with the office of the City Clerk a written request for hearing within 15 days of the issuance of the revocation notice. The hearing before the Mayor shall be conducted within 30 days of filing of such request.

SECTION IV - 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 V - RESTRICTIONS ON SHORT TERM RENTALS

- A. *Use.* In the Residential Zoning Districts, all Short Term Rentals shall be a conditional use under the Boone County Zoning Regulations. In the Main Street Overlay District, Short Term Rentals shall be a principally permitted use.
- 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 ten (10) persons, adult and children.
 - 2. Bedrooms under 120 square feet shall be limited to only one adult occupant.
- E. *Limits on number of vehicles.* A minimum of one (1) parking space shall be provided per guest room or suite. All parking for a short term rental, shall be provided off-street.
- 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. This requirement does not apply in the Main Street Overlay District, where no minimum spacing requirement is required.

H. *Other restrictions.* It is unlawful:

1. To operate or 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 this Ordinance;
2. To advertise or offer a Short Term Rental without first registering the property in which the rental is to occur with the City in accordance with this Ordinance; documented advertisement of the subject property as a Short Term Rental, online or offline, shall be considered evidence of a violation of this Ordinance;
3. To operate a Short Term Rental that does not comply with all applicable city and state laws and codes;
4. To operate a Short Term Rental without paying the required hotel occupancy taxes;
5. To offer or allow the use of a Short Term Rental in a manner which violates the City Noise Control Ordinance (O-16-95);
6. 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.
7. Permit the use of the Short Term Rental for any illegal purpose or any use not permitted by Residential Zoning Regulations.

SECTION VI - INFORMATION BROCHURE

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

- 1 The registrant's twenty-four (24) hour contact information;
- 2 A local responsible party's twenty-four (24) hour contact information, if the property owner is not within the city limits when guests are renting the premises;
- 3 Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules;
- 4 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 manmade disaster alerts and updates.
- 5 Policy regarding pet(s).

SECTION VII - 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 Codes of Ordinance including but not limited to Building and Fire Codes.

SECTION VIII - ENFORCEMENT THROUGH CODE ENFORCEMENT BOARD - CIVIL FINE AND LIEN

The provisions of this Ordinance may be enforced by the City of Florence Code Enforcement Board following the procedures set forth in Ordinance No. 0-10-16. All violations of such provisions are specifically assigned to the Florence Code Enforcement Board. Proceedings against any person violating any of the provisions of this Ordinance may be initiated by the issuance of a citation to the Code Enforcement Board and the Board may issue remedial orders, impose civil fines, order the filing of liens, and exercise authority with respect to such violations as set out in Ordinance No. 0-10-16, pursuant to the "Local Government Code Enforcement Board Act" (KRS 65.8801-65.8839).

SECTION IX - SEVERABILITY

If any section, paragraph, clause, provision, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, provisions, or phrases of this Ordinance, or this Ordinance as an entirety, it being the legislative intent that this Ordinance shall be valid notwithstanding the invalidity of any section, sentence, clause, provision, or phrase.

SECTION X - PUBLICATION

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 8 DAY OF December, 2020

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 15 DAY OF December, 2020:

APPROVED:

Diane E. Whalen
Diane E. Whalen, Mayor

ATTEST:

Melissa Kramer
Melissa Kramer, City Clerk

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

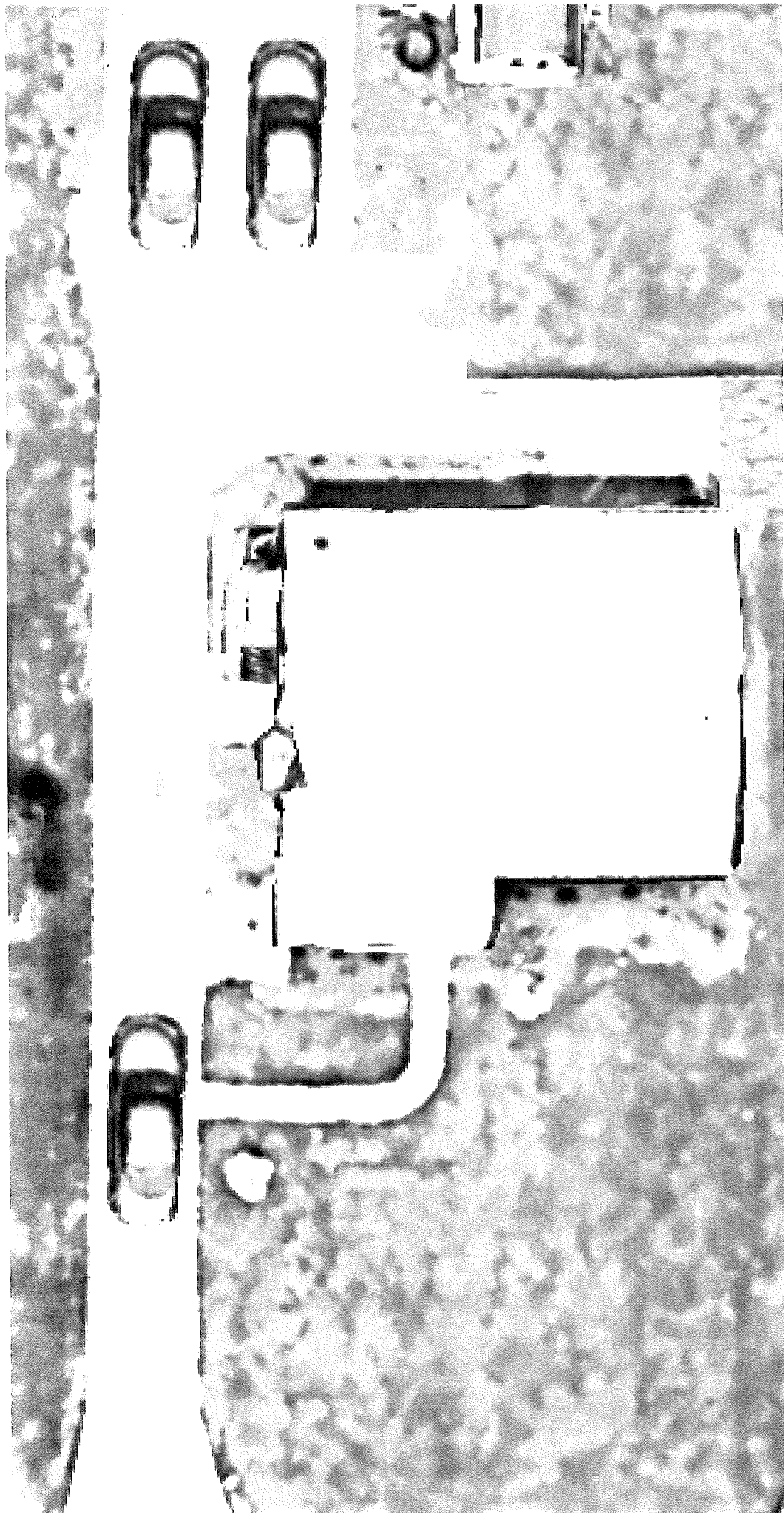
RECEIVED
FEB 11 2021
83292
Union BOONE COUNTY
PLANNING COMMISSION

SECTION A (To be completed by applicant)

1. (Check One) Boone Florence Walton
2. (Check One) Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name Marlys Arlinghaus
Applicant's Address 8 STUDE CIRCLE
Florence KY 41042
City State Zip
Phone Number 859 801 7143 Fax No. _____ E-Mail unionhaus10@gmail.com
4. Description of Request: STR
5. Name of Development Fitzgerald
6. Location of Development Florence KY 41042
7. Acreage Under Review .25
8. Lot Number and Name of Subdivision, (if part of a subdivision)
Lot 5 Sec 1 Fitzgerald F4-11-23
9. Owner of Property Paul & Marlys Arlinghaus
Address of Property Owner 11363 Big Bone Rd
10. Union KY 41091
City State Zip
Phone Number 859 801 7143 Fax No. _____ E-Mail unionhaus10@gmail.com
11. Proposed Use(s) on Site STR
12. Total Square Footage of Existing and/or Proposed Buildings _____
13. Current Zoning on Property SRI
14. Deed Book 1085 Page No. 123 Group No. 530
15. Is the site subject to a zone change? 1
If yes, give date of approval _____
16. Have you submitted a Site Plan with this request? yes
17. Have you submitted a list of adjoining property owners with this request? yes
18. 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: Marlys Arlinghaus
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

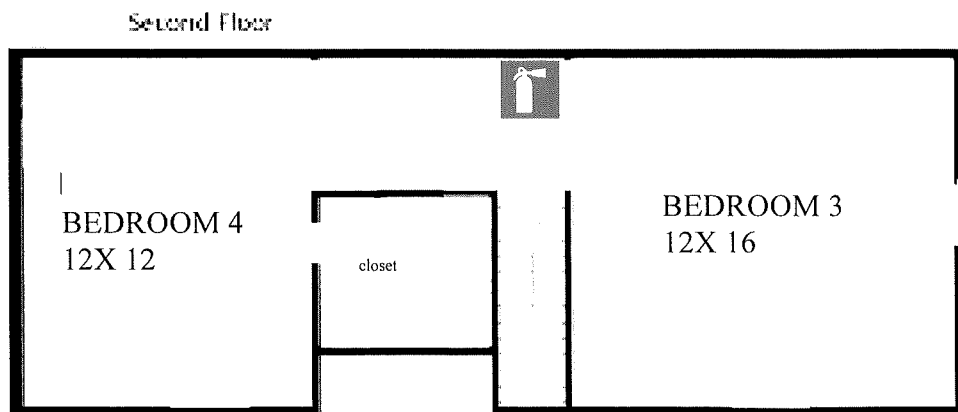
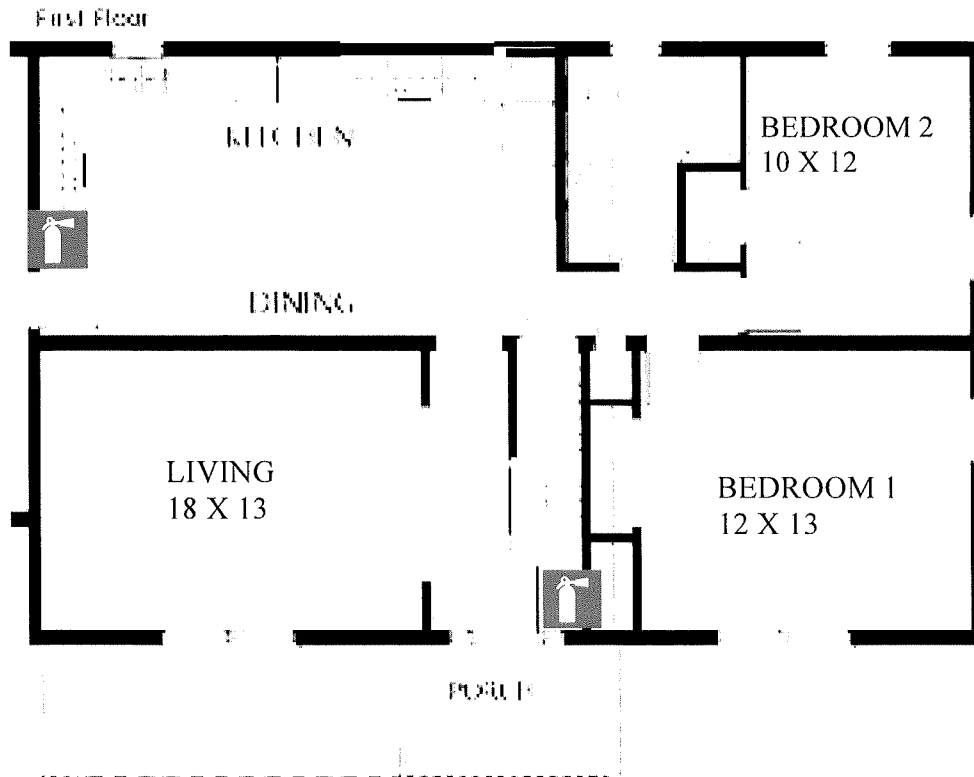


8 St. Jude Circle
Florence, KY 41042
Agnus Dei Rentals LLC
Paul & Marlys Arlinghaus
859-801-7143

Parking
3/16" scale

8 St. Jude Circle, Florence, KY 41042
Agnus Dei Rentals LLC
Paul & Marlys Arlinghaus
859-801-7143

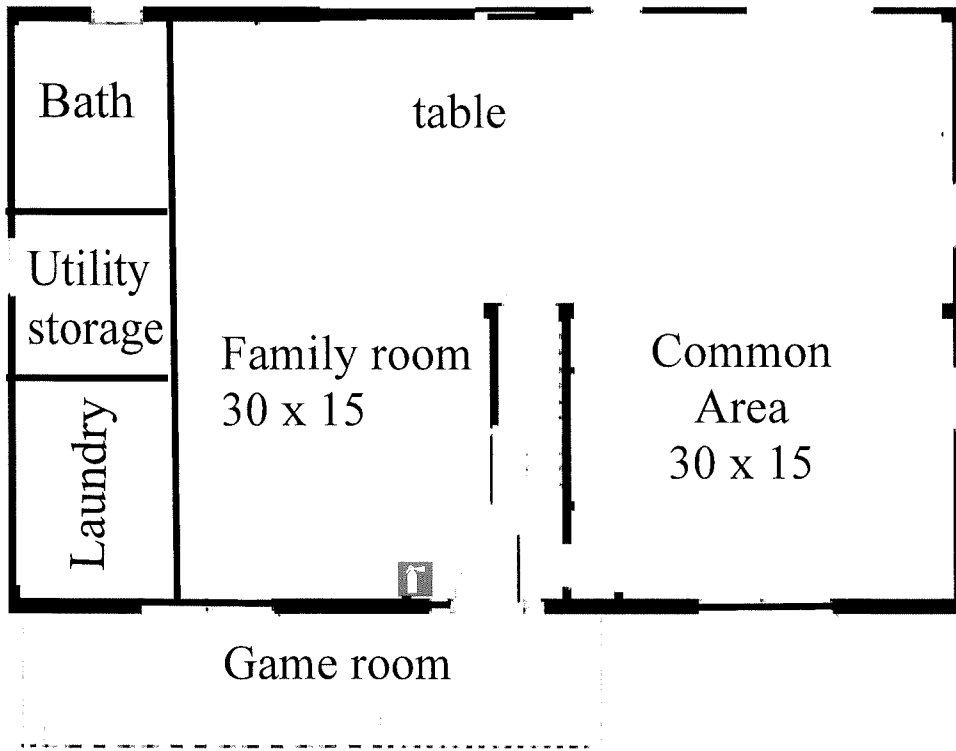
First and Second Floor Layout
1/8" scale

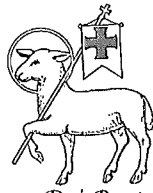


fire extinguisher

8 St. Jude Circle, Florence, KY 41042
Agnus Dei Rentals LLC
Paul & Marlys Arlinghaus
859-801-7143

Basement Layout
1/8" scale





Agnus Dei Rentals LLC

Property address is:

8 St. Jude Circle, Florence, KY 41042

Welcome to the Anchor of Hope

Please contact us if you have any problems or questions 24/7.

Marlys 859-801-7143 or Paul 859-801-7142

In case of Emergency dial 911

Non-emergency for Police 859-647-5420

Non-emergency for Fire 859-371-1234

Poison Control Center 1-800-222-1222

St. Elizabeth Hospital 859-212-5200

4900 Houston Road, Florence, KY 41042

Florence Urgent Care 859-643-8677

Open 8 -8 7683 Mall Road, Florence, KY 41042

In case of severe weather tune into local stations on the TV.

News 9, 12, or 19

Trash collection is Tuesday AM Please, set the cans out on Monday evening.

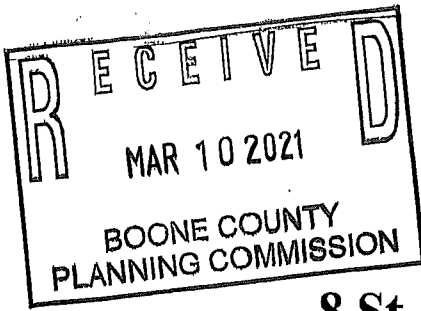
Parking on the driveway or in the back. Street parking is across from the house.

No parking on our side of the street.

Quiet hours between 9 PM and 8 AM. Please be considerate of the neighbors.

No parties allowed. No pets allowed.

10 guest maximum



Property address is:

8 St. Jude Circle, Florence, KY 41042

Welcome to the Anchor of Hope

Please contact us if you have any problems or questions 24/7.

Marlys 859-801-7143 or Paul 859-801-7142

In case of Emergency dial 911

Non-emergency for Police 859-647-5420

Non-emergency for Fire 859-371-1234

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St. Elizabeth Hospital 859-212-5200

4900 Houston Road, Florence, KY 41042

Florence Urgent Care 859-643-8677

Open 8 -8 7683 Mall Road, Florence, KY 41042

In case of severe weather tune into local stations on the TV.

News 9, 12, or 19

Trash collection is Tuesday AM Please, set the cans out on Monday evening.

Parking on the driveway or in the back only, please.

Parking of six cars is the limit on property.

Quiet hours between 9 PM and 8 AM. Please be considerate of the neighbors.

No parties allowed. No pets allowed.

10 guest maximum

Hello Neighbors, Board members, and everyone else who is here tonight,

We'd like to introduce ourselves as the Arlinghaus family, owners of 8 St. Jude Circle in Florence. As you probably know, we are here to assert if we should be allowed to rent 8 St. Jude Circle as a short-term rental or remain a long-term rental.

In this statement we will be addressing the issues first mentioned in the letters before moving on to questions/ concerns brought up during this zoom meeting. If you have something to add or a question you wish answered during this statement, please wait till we are finished as it might be answered further along. Also, please note we will not be using names or other personal information such as which neighbor wrote the letters or where that neighbor lives for their safety and consideration.

Everyone is aware of what is contained in the letters? If not, could a board member please read them aloud or make the content of the main body available for others to read? Thank you.

In the first letter written on March 8th, 2021, a neighbor expressed her concern about her and the community's safety. I think it's great that the neighborhood looks out for one another, a big reason we chose St. Jude Circle, and are saddened to find the neighbors think we don't care about them or their safety. We care a great deal about families, both theirs, ours, and those we rent too. Safety is actually our top priority and we'd like to point out *how* for those who are unsure of how a short-term rental works.

As a short-term rental, it all starts with Airbnb and the check in process. When any member first creates an account on Airbnb, whether it be host or guest, you are required to use your legal first and last name. Other forms of identification, address, email, and so on, are also required. Once that is accomplished, you are asked to load a picture ID of your driver's license or passport as proof that the information you entered is valid and you may begin the booking process. With a long term or 30-day rental, none of this information is required or screened.

When a guest attempts to book a stay at any Airbnb house they are asked to,

1. Explain their reason for staying.
2. Tell how many people they want to bring.
3. Verify that they read and agreed to all the house rules.
4. Ask if they have any further questions for the host.

The host is then notified via email that they have a request. Airbnb shows the host all the information previously mentioned before asking if they would like to accept, deny, or ask the guest further questions before booking. If the host then accepts the request, the people are then given an address and pass-code to enter the house. With long term or 30-day rentals, the host must advertise the address beforehand, giving thieves a flag that there is an empty house and you cannot ask the same questions Airbnb can due to discrimination laws.

If guests staying short term then enter the house and in any way shape or form break ANY of the house rules the neighbors are allowed to either call the police, home owners and/or other proper authorities as they see fit. The said guest may be removed immediately from the property never to return. Whereas, a long term or 30 day guest cannot be removed for a long length of time including several months.

The letter of concern also mentions feeling “threatened” when a large amount of people are at the house. With a long term or 30-day rental they, “kind of know” who the neighbor is. The letter of concern further states that at some point there was loud talking, music, drinking on the front porch, walking their dog on another’s front lawn ext. Unfortunately, these were all events that took place as a long term or 30 days rental, not as a short term. As a 30-day rental we are unable to be picky about who we choose as a renter as the demand for 30-day rentals is simply not there. We are forced to accept the few, sometimes only, inquiries we receive and cannot deny them due to finances. With a short-term rental there is high demand with family's traveling from all across the US to see the Ark and Creation Museum. Airbnb brings families with their children and grandchildren to Florence as a happy middle

ground between the attractions, bringing the local neighborhood fresh business weekly. They bring business to all the fuel stations, restaurants, shopping ext. Short term also means we can apply and enforce house rules such as pet policies, parking guidelines, and so forth. With long term or 30-day rentals you have the same people, most often construction crews, welders, or painters, going to the same places to eat and shop. They may even decide to relax with a few beers on the porch while playing loud music and/or partying on the weekend till 1am after a long work week. Long term or 30-day rentals bring loud crews that we cannot afford to turn away whereas short term rentals bring nice families booking through a trusted and screened sight by the dozens that we can choose from.

We had the short-term rental going for about 2 - 4 weeks at 8 St. Jude when a neighbor called the County to let them know that there were different families coming and going out of the house. The County, once looking into it, did find it to be an Airbnb and nicely let us know that, even with the proper license and fees being paid, we were infringing on the zoning laws which we did not know about. Since we had already booked out a few months, the County very graciously gave us about 2 months to let the families come and stay that had an upcoming vacation they could not re-book at such short notice. With that being said, the neighbors at 8 St. Jude Circle have unfortunately really only known long term stays and the loud trucks and party music those stays sometimes bring. If I were to ask which of the two seem like a better fit for St. Jude Circle, which one would you decide?

In the last section of the letter, it expresses a concern of the property value going down or the taxes going up. I would like to assure them that the property value will not go down, if anything it will increase and we have good motivation to keep it that way. If the property looked dirty, unkempt, or unattended, then who would want to stay there? If no one wants to stay there, how will we convince nice peaceful families to book?

On the other hand, the neighbors won't need to worry about taxes either. When using Airbnb there are separate taxes and fees associated with mentioned property but they are solely and fully the responsibility of the homeowner and will not affect any other property or their value. In fact, some of

these extra taxes and fees that go with running an Airbnb go to the County which in turn benefits the neighbors, so it's really kind of a win-win for all!

Moving on to briefly cover the second letter: I'm a little confused on if this is a personal mention or an issue about short term rentals as it states, "I am against this motion, as I do not feel comfortable with who will be renting out the house in question." It further states, "I was told by who purchased the house they personally would be living there. Although that turned into short term rentals". If this is more of a personal thing, I would like to first apologize as I'm not quite sure who you are. I guess we must have met at some point when we first bought the house 4 years ago. We did intend for the oldest daughter to move in. Without getting into our personal lives too much, things changed during the remodel and the oldest daughter was unable to move in so with finances being what they were, we decided to chance it and try to rent it furnished. We geared it towards families as we ourselves understand the struggle of trying to cram your family members into two or three hotel rooms. Noises above and below you, not to mention surrounded by stranger's day and night, can make you uncomfortable. We knew St Jude Circle deserved peaceful and comfortable families to stay and we honestly thought it would be neat for the neighbors to meet likeminded families traveling to see the attractions and get to know them. We had safety, families, and local businesses in mind since the day we started Airbnb and were saddened by some of the neighbor's responses.

With all of this being said, I'd like to take a minute to thank all of the neighbors, board members, and interested parties here today for your time, patience, and understanding in this process. I hope this has made things a little clearer, hopefully helped a few to understand better what short-term rentals are, and know that our first and primary goal is always the safety of all our families either in the local neighborhood, traveling across the US, or in our very home. Thank you all for listening.

The Arlinghaus Family

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Paul and Marlys Arlinghaus
11363 Big Bone Road
Union, KY 41091

- 2. ADDRESS OF PROPERTY
8 St Jude Circle
Florence, KY 41042

- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Marlys Arlinghaus

- 4. DEED BOOK 1085 PAGE NO. 121 GROUP NO. 2043A

- 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

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

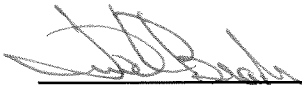
Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 12 day of March, 2021.



Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:

Ronica Wuest
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 Florence Board of Adjustment and in accordance with the current zoning in effect as of March 11, 2021 Certificate of Land Use Restriction (#21-FBOA-004-A), for Paul & Marlys Arlinghaus, Property Owner(s).

The following conditions will apply:

1. Short term renters shall be required to rent the house for a minimum of two nights.
2. One person or group shall rent the entire household with a single rental contract.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 1085

PAGE NO. 121

GROUP NO. 2043A