

Conditional use permit

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**

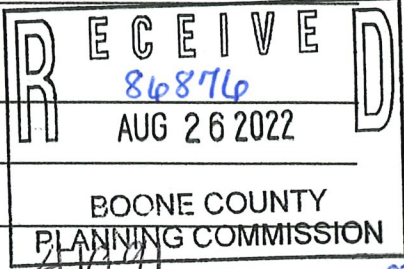
Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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)

- Check One Boone Florence Walton Union
- Check One Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- Applicant: John Barry & Skyler Barry
Address: 10543 Turner Dr. Union, Ky
Union Ky 41091
City State Zip Code
Phone Number: John (859) 991-2162 Fax Number: Skyler (859) 397-1453
Email: Skylerbarry2@gmail.com
- Description of Request: short-term rental
- Name of Development: _____
- Location of Development: 14 N Dilcrest Cir.
Florence Ky 41042
City State Zip Code
- Acreage Under Review: .27
- Lot Number and Name of Subdivision (if part of a subdivision):
Lot 42 Dilcrest Manor
- Current Owner: John Barry
Address: 10543 Turner Dr.
Union Ky 41091
City State Zip Code
Phone Number: (859) 991-2162 Fax Number: _____
Email: Skylerbarry2@gmail.com



ccf

10. Proposed Use(s) on Site: STR Short term rental
11. Total Square Footage of Existing and/or Proposed Buildings: 1442 Sq ft
12. Current Zoning: SR-1
13. 1192 168 20483
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: John Barry
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received: 8/26/22 Fee Received: \$816.00 Receipt #: 86876

2. Is application complete: ✓

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 10/20/22

5. Board Action: _____

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

6. Conditions of Approval: SEE STAFF COMMENTS
E.1 - E.4 AND 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

APPLICANT: John and Skyler Barry

LOCATION: 14 N. Dilcrest Circle, Florence, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: October 20, 2022

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow 14 N. Dilcrest Circle to be used as a short-term rental household.

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. The applicants have provided a list of these standards and provided a response (see attachments).

- 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.

Applicants Response – There will be no on-site or off-site advertising.

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

Applicants Response - The short-term rental will occur in the primary dwelling.

- 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, adults and children.
2. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.

Applicants Response - There will be a maximum of 6 occupants. The bedroom that is less than 120 square feet will be limited to one adult occupant. Bedroom dimensions were provided and they show that two bedrooms are 140 square feet (14' x 10') and third bedroom is 100 square feet (10' x 10').

- 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.

Applicants Response – They property will be listed as a two-bedroom stay due to the driveway not being big enough. An additional concrete slab may be added onto the driveway in the future so they can list the property as three-bedroom stay. All parking will be provided off-street.

Staff Comment – The parking requirement for this property is 5 parking places if it is a three-bedroom rental and 4 parking places if it is a two-bedroom rental. Two vehicles can be parked in the garage and two others can park in the driveway without extending into the right-of-way.

- 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.

Applicants Response – Any advertisement of the property as a short-term rental will contain language that specifies the maximum number of occupants and vehicles.

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

Applicant and Staff Comments - There are no other legal short term rental properties within 1,000 feet of the subject property. See the attached G.I.S. exhibit.

- 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.

Applicants Response - Guests will use the main building entrance for access.

- H. It shall be unlawful:

1. To operate, or to allow to be operated, a short-term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. (Applies to the City of Florence Only).
2. To operate, or to allow to be operated, a short-term rental without first obtaining a Permit for the property in which the rental is to occur with the Boone County Fiscal Court. (Applies to Unincorporated Boone County Only)
3. To advertise or offer a short-term rental without first registering the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20. Documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to the City of Florence Only)
4. To advertise or offer a short-term rental without first registering the property in which the rental is to occur with the Boone County Fiscal Court. Documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this regulation. (Applies to Unincorporated Boone County Only)
5. To operate a short-term rental that does not comply with all applicable city, county, and state laws and codes.
6. To operate a short-term rental without paying the required hotel occupancy taxes.
7. To offer or allow the use of a short-term rental in a manner which violates the City Noise Control Ordinance (O-16-95). (Applies to the City of Florence Only)
8. To fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
9. Permit the use of the short-term rental for any illegal purpose or any use not permitted by the residential zoning regulations.

Applicants Response: A Conditional Use Permit and City of Florence Short Term Rental Application have been submitted and it will comply with all rules.

- 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.

Applicants Response: A Site Plan will be submitted to the Planning Commission prior to constructing any improvements and operating the short-term rental.

Staff Comment – A Zoning Permit would need to be approved by the Planning Commission before the short-term rental could operate from the premises. This approval would be needed to verify all Conditional Use Permit conditions were being met. An additional Zoning Permit will be needed before the driveway and/or parking area was expanded to allow the construction of more parking.

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 recreation uses that are appropriate to the permitted uses in the district. Suburban Residential One districts will be located on lands within established urban areas where adequate infrastructure facilities and services are available or proposed.

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 0.27 acre property is located on the south side of N. Dilcrest Circle and is between Bentley Court and West Dilcrest.
- B. The property contains a 1,442 square foot ranch house with a full basement. The house contains a two-car garage and a covered rear patio.
- C. Boone County G.I.S. shows that only two vehicles can fully park in the driveway. Two more vehicles could park in the driveway but they would extend into the right-of-way.
- D. The rear yard is enclosed with fencing (both split rail and privacy).
- E. Boone County G.I.S. shows the topography of the site is relatively flat. The topography is approximately 902' above sea level in the center of the property and falls to 900' above sea level at the rear property line and 898' above sea level at the front property line.

SURROUNDING LAND USES AND ZONING

- North: Undeveloped Lots and Single-Family Home Fronting on N. Dilcrest (SR-1 & R-1F)
- South: Single-Residential Home Fronting on W. Dilcrest (SR-1)
- East: Single-Family Homes Fronting on W. Dilcrest (SR-1)
- West: Single-Family Homes Fronting on Bentley Court (SR-1)

STAFF COMMENTS

- A. Staff would like to note that a Conditional Use Permit and Short-Term Rental applications must be approved before the property can be used for short-term rentals. The City of Florence will not act on the Short-Term Rental application 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, 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. ^{sect 6} ~~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. ^{sect 6}

B. Staff would like the applicants to address the following:

1. Is the property currently being rented? If so, are these rentals 30 days or more?
2. Where do they live and how frequently would they visit the property if the Conditional Use Permit and City Permit were approved?
3. How would they market the property for rent?
4. How would they monitor that no parties are taking place?
5. Are there any plans to make any additional exterior improvements that would encourage guests to spend more time outdoors? Examples are fire pits, pools, basketball goals, etc.
6. Could the house be rented for a night or two?

C. 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:

1. (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.
2. The activity will not contradict the low-density character of the district.

D. Staff would like to note that a member of the Barry family spoke at the 9/21/22 Public Hearing regarding the Zoning Update. The Zoning Update takes place approximately every 5 years and is the process where the Boone County Zoning Regulations and zoning maps are updated, with public input, and ultimately adopted by the four legislative bodies.

The comment received was that the short-term rental parking requirements should be changed to eliminate the two spaces that are required for the owners of the house if they aren't staying in the house at the same time as the short-term renters. This comment will be analyzed by the Planning Commission and City of Florence and it's possible that the requirement could change. The City of Florence will take final action on the Zoning Update later this year or early next year.

The on-site parking requirement for this three-bedroom short-term rental would change from 5 spaces to 3 spaces if the parking requirement is adopted as outlined above.

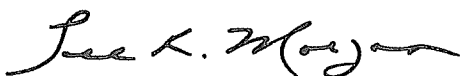
E. Staff recommends the following conditions if the request is approved:

1. Short term renters shall be required to rent the dwelling for a minimum of two nights.
2. One renter or group shall rent the entire household with a single-rental contract.
3. A zoning permit shall be processed through the Boone County Planning Commission indicating either: (1) the short-term rental property shall be for a two-bedroom, maximum 6 occupants with the existing four (4) off-street parking spaces; or (2) a three-bedroom, seven (7) occupants with the existing four (4) off-street parking spaces and one (1) additional off-street parking space.
4. If the required off-street parking requirements are changed, a new zoning permit shall be processed through the Boone County Planning Commission to ensure that the number of bedrooms/guests meet the new parking requirements.

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

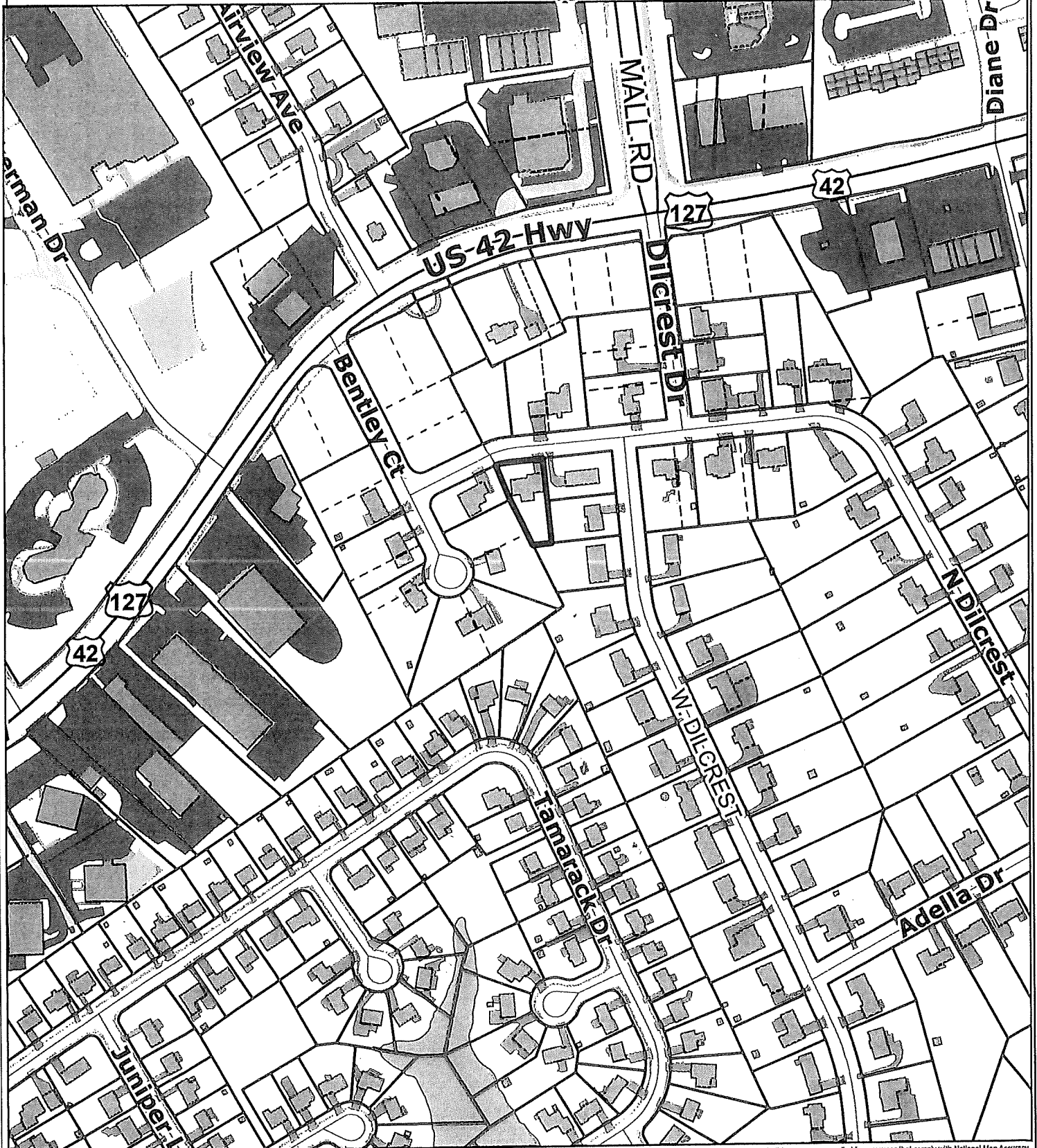
*Point out to
Larry Brown
Wrote email
in opposition*

Attachments

- *Site Vicinity Map
- *City of Florence Ordinance O-20-20
- *City of Florence Short Term Rental Application
- *Board of Adjustment Application
- *Applicant's Responses to Section 3191 of the Zoning Regulations
- *PVA Information and Exterior Dimensions
- *Applicant's Bedroom Dimensions
- *Closest Short Term Rental Houses with 1,000' Radii
- *Zoning Map
- *2040 Future Land Use Map
- *2020 Aerial Map
- *Topographical Map

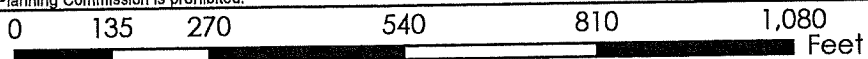
SITE VICINITY MAP

www.boonecountygis.com



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1 inch = 267 feet



Boone County GIS - Putting Northern Kentucky on the Map



**CITY OF FLORENCE, KENTUCKY
READING SUMMARY**

ORDINANCE NO. O-20-20

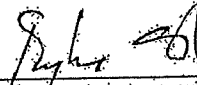
**AN ORDINANCE OF THE CITY OF FLORENCE, KENTUCKY, RELATING TO
SHORT TERM RENTALS**

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 8 day of December, 2020, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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**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.

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).

- 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

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. O-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

Merchant ID: 6990
Term II: 6501

Store II: 4616
Ref II: 0001

Sale

XXXXXXXXXXXX1807

VISA

Entry Method: Manual

City of Florence Finance Department
8100 Ewing Blvd
Florence, KY 41042

Phone: (859) 647-5413
Fax: (859) 647-5447
www.florence-ky.gov

Total: \$ 500.00

SHORT TERM RENTAL APPLICATION

Application Fee \$500.00

08/24/22 12:51:00
Inv II: 000001 Appr Code: 505914
Transaction ID: 302236606604813
Apprvd: Online BatchII: 000287
CVU2 Code: MATCH M

INFORMATION:

Owner: John Barry
10543 Turner Dr Phone: (859) 991-2162

City: Union State: Ky Zip: 41091
Email Address: Skylerbarmy2@gmail.com

EMERGENCY CONTACT: (must live within 20 miles of short term rental property)

Name/Primary Owner: Skylar Barry
Mailing Address: 10543 Turner Dr. Phone: (859) 391-1453
City: Union State: Ky Zip: 41091
Email Address: Susanbarmy.homeaccount@yahoo.com

SHORT TERM RENTAL UNIT INFORMATION:

Address of Property: 14 N Dilcrest ~~St~~ Circle Florence, Ky
Number of Bedrooms: 3
Maximum Number of Occupants: 8

The below documents are required prior to processing:

website
email

- Property Owner Deed
- Self-Safety Inspection Form
- Certificate of Insurance
- Site Plan/Survey (maximum number of vehicles that can be legally parked)
- Sketched Floor Plan (must include dimensioned room layout)
- Occupational License (City of Florence and Boone County)
- Information Brochure (must be provided to guests)

Short Term Rental is defined as the rental of a residential dwelling unit, or a portion thereof for a period of less than 30 days. JB (initial here)

I affirm, under penalty of perjury, that the information contained in this application and all documents tendered in connection with this application are accurate and complete. Furthermore, I certify that I have reviewed and will comply with all other requirements of the City of Florence Ordinance NO. O-20-20 pertaining to Short Term Rentals.

John Barry

Name (Print)

John Barry

Signature

8/22/22

Date

For Official Use Only- Approvals/Denial

City of Florence Planning Commission _____

Date: _____

Issuance of License is:

Approved

Denied (Notification to Applicant Attached)

Dated this _____ day of _____ 20____ Authorized By: _____

conditional use permit

BOARD OF ADJUSTMENT BOONE COUNTY PLANNING COMMISSION

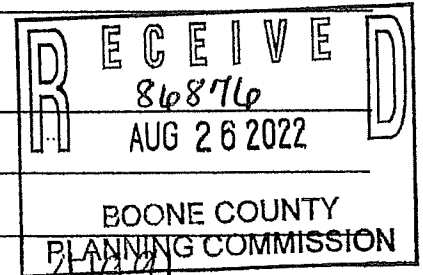
Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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: John Barry & Skyler Barry
Address: 10543 Turner Dr. Union, Ky
Union Ky 41091
City State Zip Code
Phone Number: John (859) 991-2162 Fax Number: Skyler (859) 391-1453
Email: Skylerbarry2@gmail.com
4. Description of Request: short-term rental
5. Name of Development: _____
6. Location of Development: 14 N Dilcrest Cir.
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: .27
8. Lot Number and Name of Subdivision (if part of a subdivision):
Lot 42 Dilcrest Manor
9. Current Owner: John Barry
Address: 10543 Turner Dr.
Union Ky 41091
City State Zip Code
Phone Number: (859) 991-2162 Fax Number: _____
Email: Skylerbarry2@gmail.com



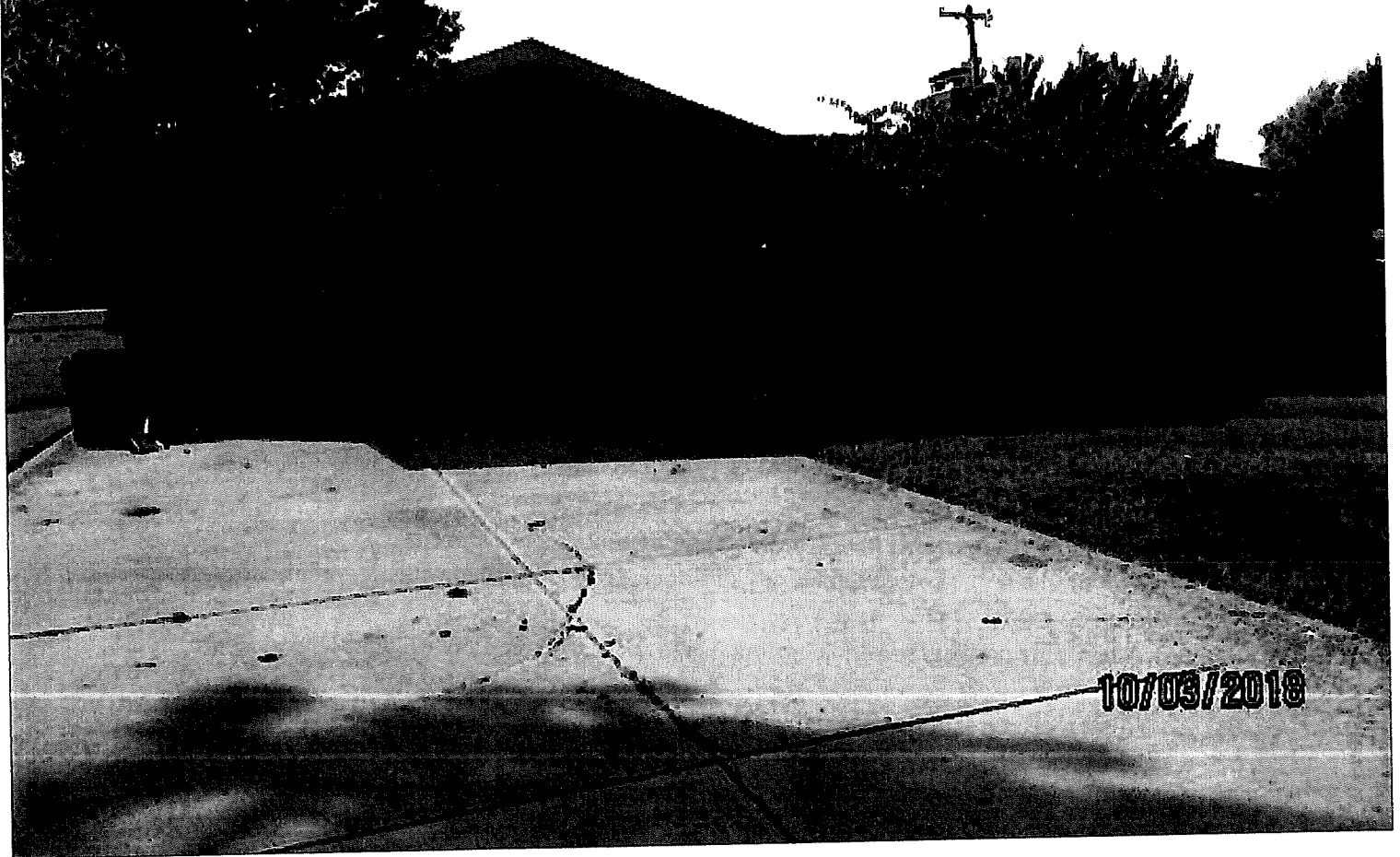
- A. There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.
- B. This short term rental is located in a primary dwelling.
- C. There will be no more than two adult guests per bedroom, plus no more than two additional guests except for the following:
 - 1. There will be a maximum of 6 occupants, adults and children.
 - 2. The bedrooms under 120 square feet will be limited to 1 adult occupant.
- D. There will be a minimum of one parking space per guest room or suite. All parking will be provided off the street.
- E. Any advertisement of the property as a short term rental and all rental contracts will contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
- F. The property is not 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.
- G. Guest will use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways will be prohibited. Access to individual guest rooms or suites are accessible through the interior of the structure.
- H. **We will have the items listed below before opening our short term rental:**
 - 1. A permit for the property through the city of florence in coordinance with city ordinance number 0-20-20.
 - 2. A Permit for the property in which the rental is to occur with the Boone County Fiscal Court.

We will not:

 - 3. 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.
 - 4. 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.
 - 5. Operate a short term rental that does not comply with all applicable city, county, and state laws and codes.
 - 6. Operate a short term rental without paying the required hotel occupancy taxes.
 - 7. Offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95).
 - 8. Fail to include a written prohibition against the use of a short term rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
 - 9. Permit the use of the short term rental for any illegal purpose or any use not permitted by the residential zoning regulations.
- I. A site plan will be submitted to the Planning Commission prior to constructing any improvements and operating a short term rental.

NOTICE: THIS IS A POSSIBLE THREE ROOM STAY, BUT FOR NOW WE ARE LISTING IT AS A TWO ROOM STAY DUE TO THE DRIVEWAY NOT BEING BIG ENOUGH. IN THE FUTURE WE MAY ADD A CONCRETE SLAB AND LIST IT AS A THREE ROOM STAY.

Boone County PVA 69 2018
Pic Date: 2018



MAILING ADDRESS

10543 TURNER LN
UNION, KY 41091

SITUS ADDRESSES


14 N DILCREST CIR
FLORENCE, KY 41042

OWNERS

BARRY JOHN R

PARCEL ID

062.00-10-042.00

UNITS SUBJECT TO 911 FEE  (<https://www.boonecountyky.org/911fee>)

1

LAND VALUE

\$25,000

IMPROVEMENTS VALUE

\$155,000

ASSESSED VALUE

\$180,000

GIS MAP

Display this parcel on GIS Map (<https://secure.boonecountygis.com/JavaScript/BoonePVA/?config=config-eresearch.json&eresearch=062.00-10-042.00&slayer=0&exprnum=1>)

Standard Viewer (<https://secure.boonecountygis.com/JavaScript/BoonePVA>)

PROPERTY TAXES

Display Property Taxes for this parcel (<https://boonecountytax.com/#/WildfireSearch/062.00-10-042.00>)

View Estimated Tax Bill ([/forms-tools-links/tax-calculator.aspx?](/forms-tools-links/tax-calculator.aspx?ddlTaxCalculator=100003&txtAssessment=180000)

<ddlTaxCalculator=100003&txtAssessment=180000>)

Update Building Characteristics of This Structure

(<https://app.smartsheet.com/b/form/4.93403fb5f784.9859002f1ebc94fbd8d>)

HOMESTEAD / DISABILITY EXEMPTION

None

ACRES

0.0000

PROPERTY CLASS

510 Residential

DEED BOOK/PAGE

1192 /168

TAX DISTRICT

100003

CITY LIMITS

Florence

FIRE DISTRICT

Florence

SCHOOL DISTRICT

Boone County Schools

YEAR BUILT

1958

EXTERIOR WALL

Brick

ROOFING STRUCTURE

Gable

BASEMENT FOUNDATION

Full

CONDITION

normal for age

CONSTRUCTION FRAME

Wood frame w/sheath

HEATING TYPE

Forced hot air-gas

CENTRAL AIR

Y

FIREPLACE

Y

BUILDING TYPE

42 One Story

STORIES

1.0

BEDROOMS

3

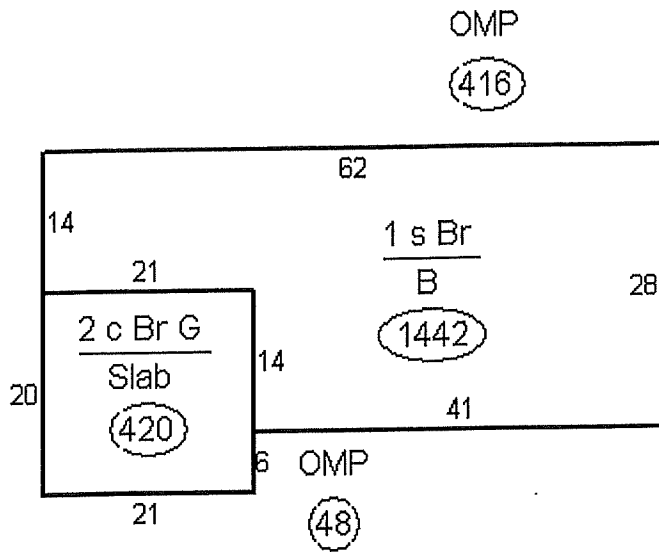
FULL BATHROOMS

1

HALF BATHROOMS

1

Display Boone PVA Sketch Codes



Area ?

TYPE	GROSS (sq ft)	FINISHED (sq ft)
MAIN UNIT ?	-	1,442
LOWER LEVEL	-	-
BASEMENT	1,442	0
ATTIC	-	-
ATTACHED GARAGE	420	-
DETACHED GARAGE	-	-

Sales History

DEED BOOK/PAGE	SALE PRICE	SALE DATE	PREVIOUS OWNER	VALIDITY CODE ?
----------------	------------	-----------	----------------	-----------------

Bedroom #2

14x10

Front
of House

Bedroom #1

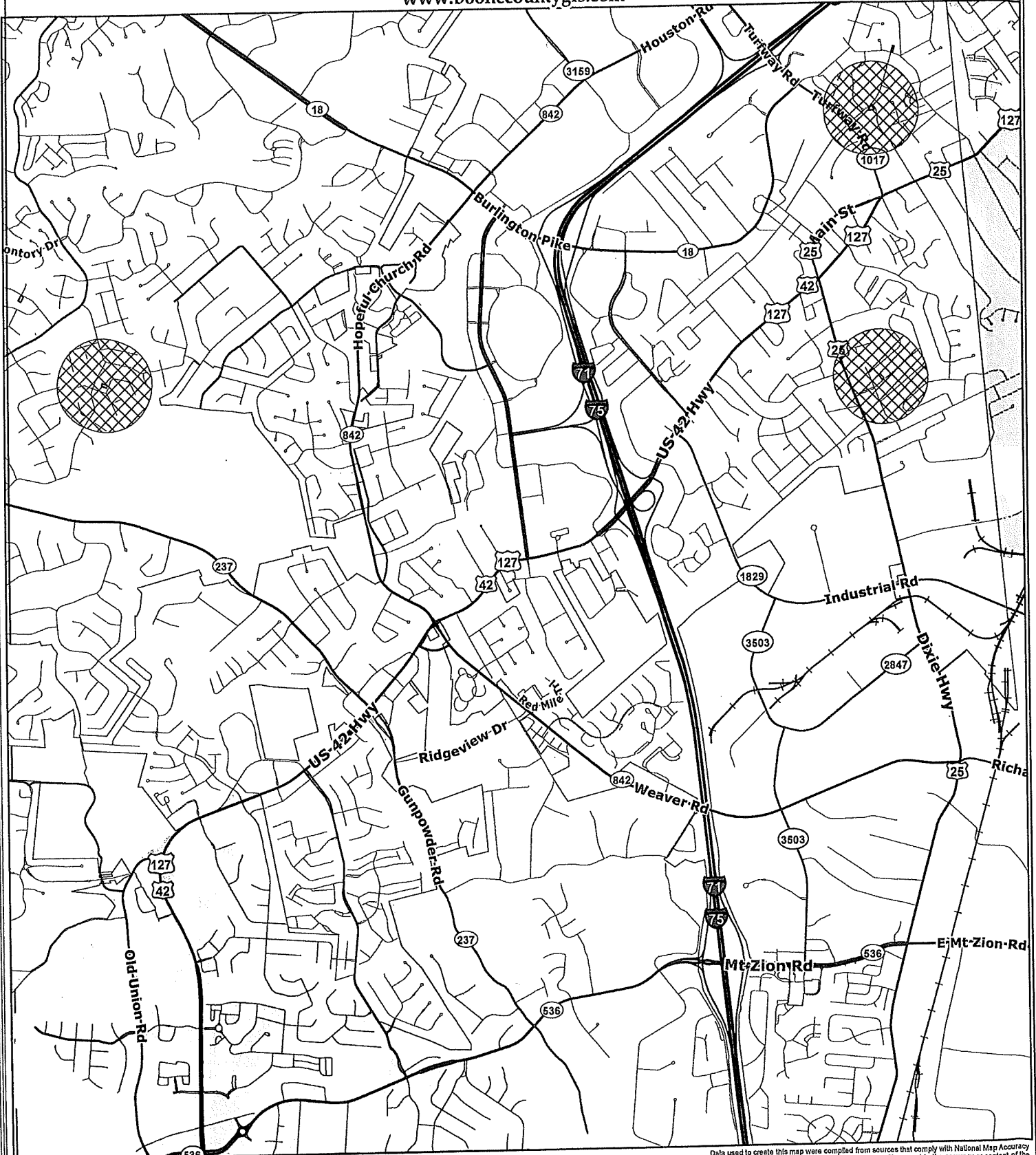
14x10

Bedroom #3

10x10

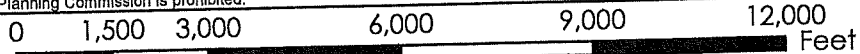
SHORT TERM RENTAL APPROVALS WITH 1000' RADIUS

www.boonecountygis.com



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1 inch = 3,000 feet

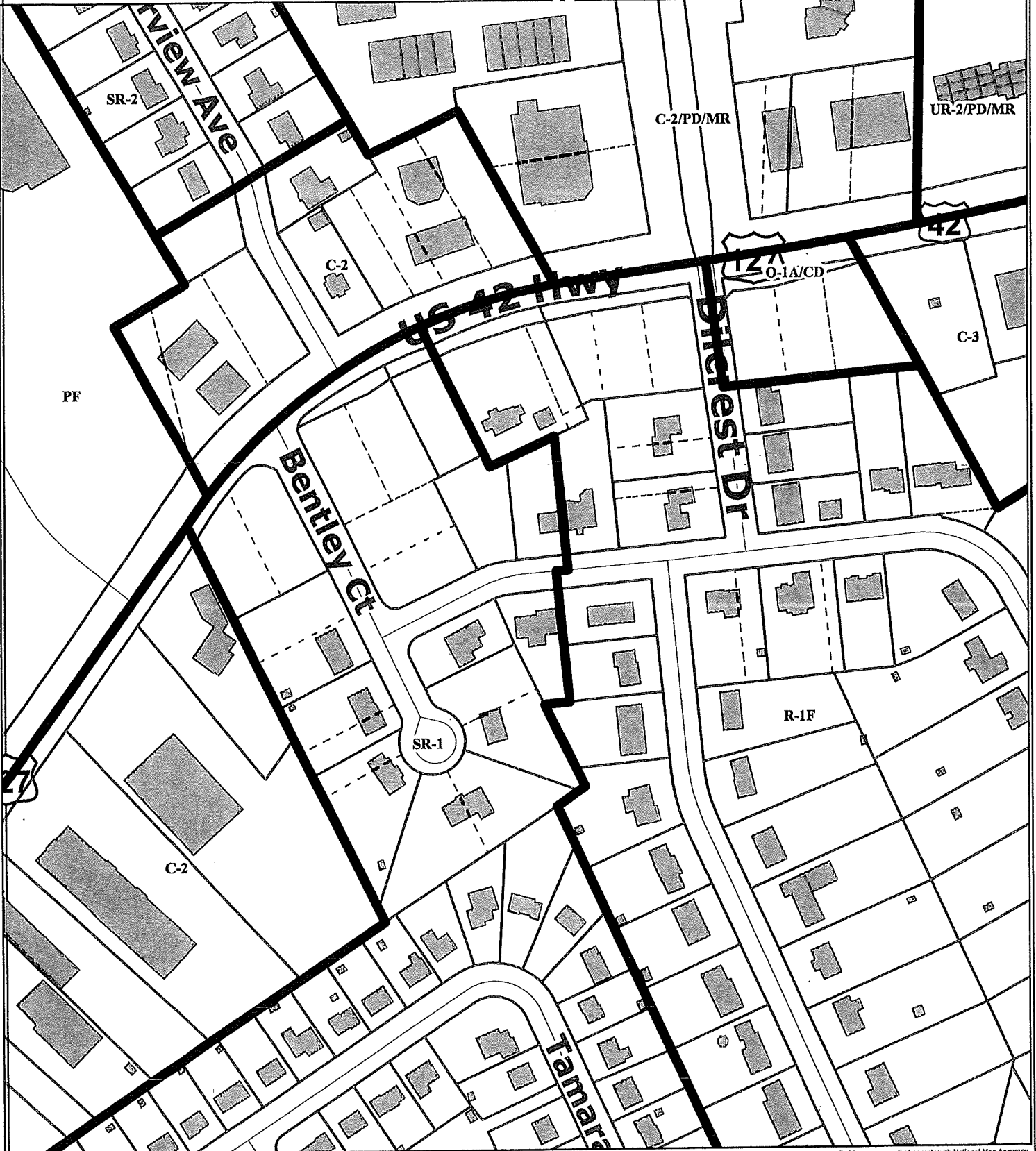


Boone County GIS - Putting Northern Kentucky on the Map



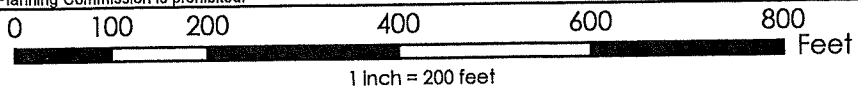
ZONING MAP

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Map Created: xlvst/2020

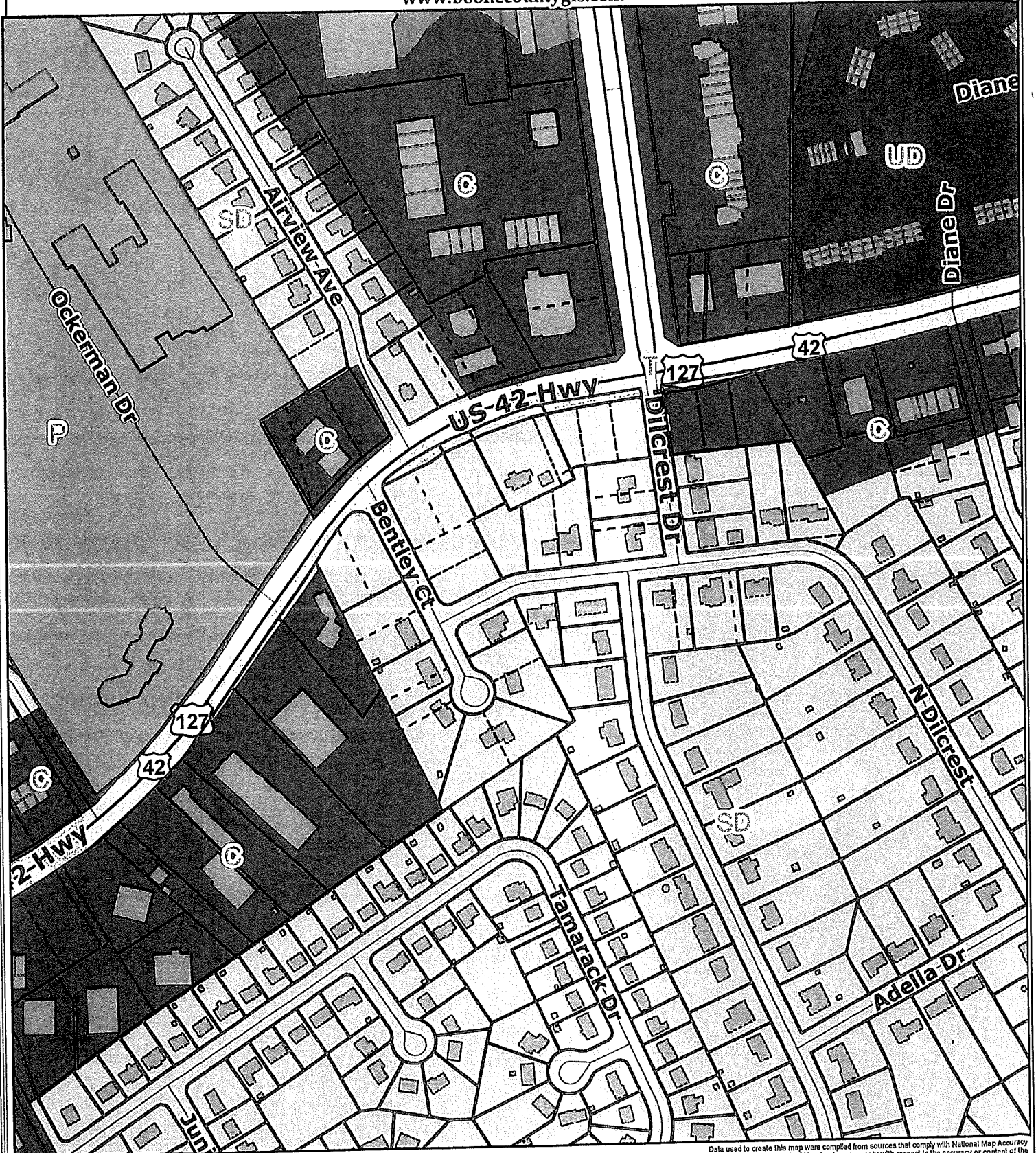
Boone County GIS - Putting Northern Kentucky on the Map



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ArcMap Document: *.mxd

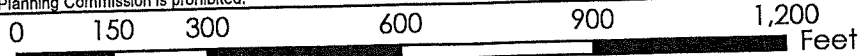
2040 FUTURE LAND USE MAP

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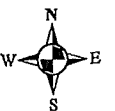
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1 inch = 300 feet



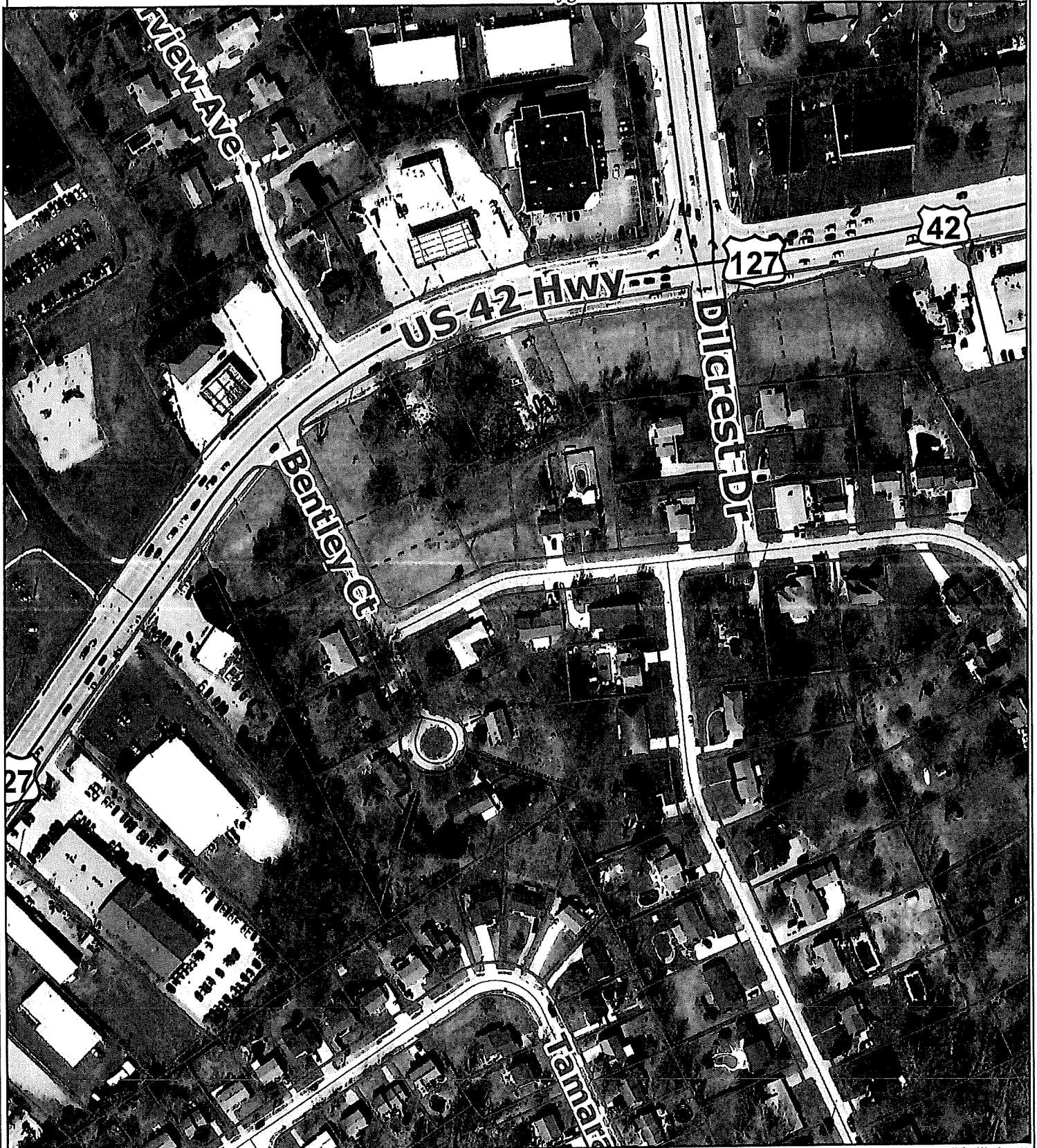
Boo



Map Created: xv/20/2020
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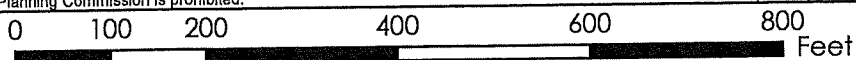
2020 AERIAL MAP

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1 inch = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

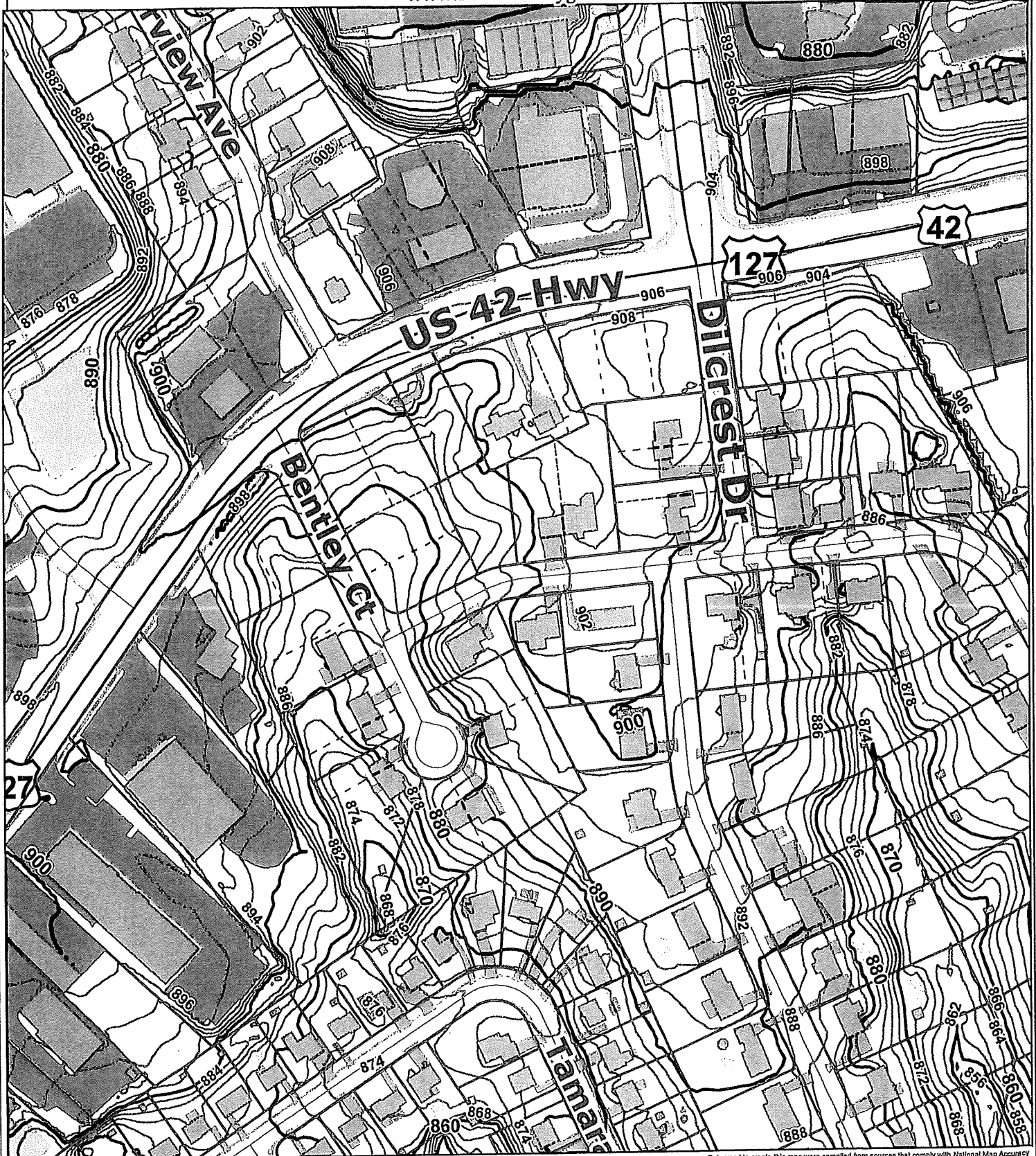


Map Created: xv/06/2020

ArcMap Document: *.mxd

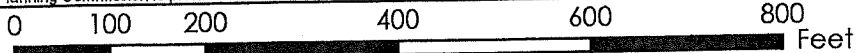
TOPOGRAPHICAL MAP

www.boonecountygis.com



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1 inch = 200 feet

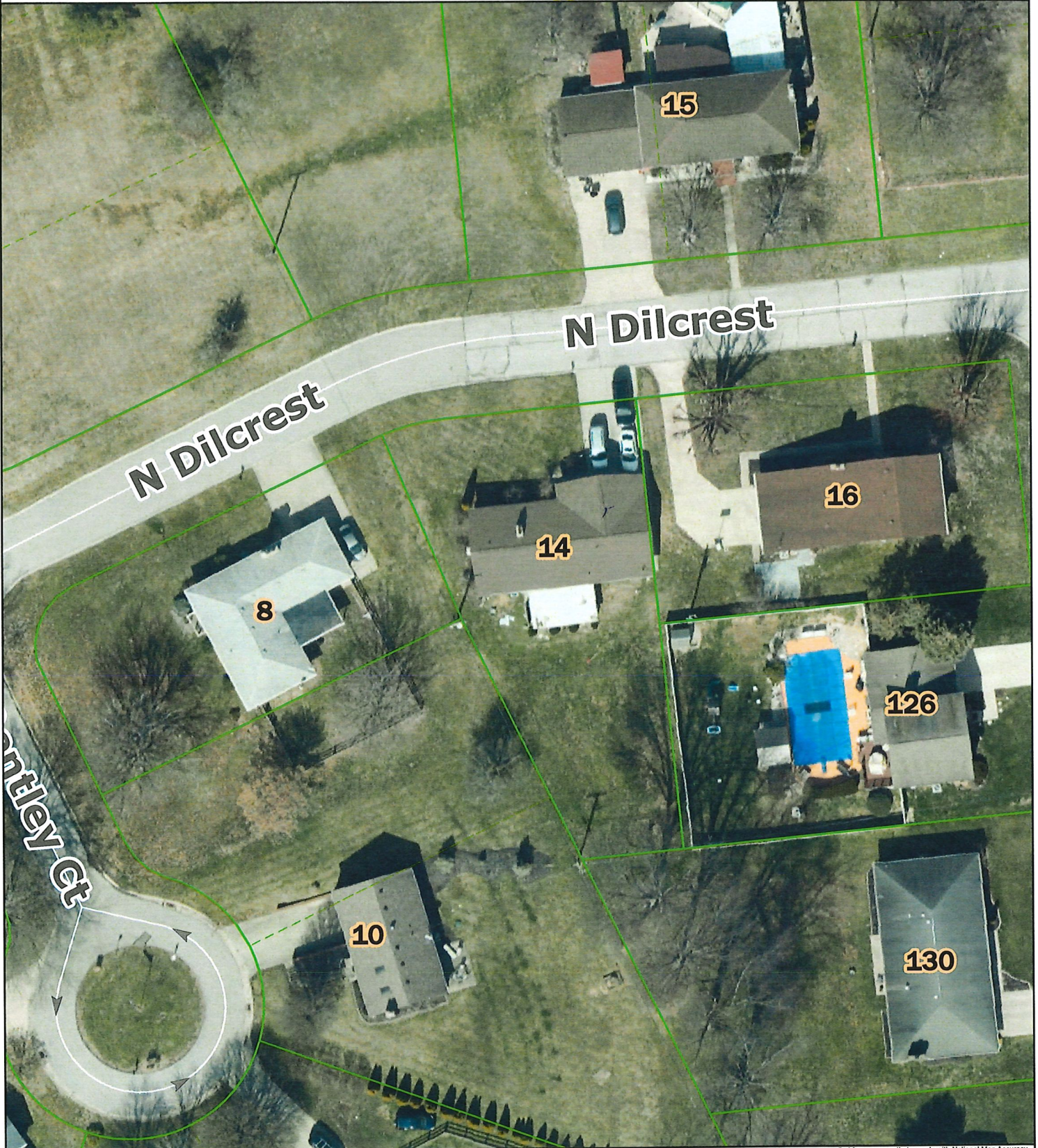


Boone County GIS - Putting Northern Kentucky on the Map



Boone County GIS Map

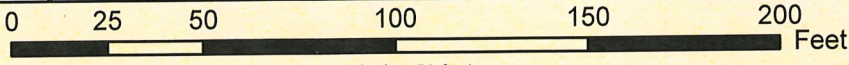
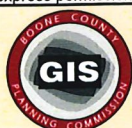
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2 Prop. owner

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1 inch = 50 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2022

Boone County GIS
ArcMap Document: *.mxd

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
John Barry
10543 Turner Dr
Union, KY 41091
2. ADDRESS OF PROPERTY
14 N Dilcrest Cir
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Barry Short Term Rental
4. DEED BOOK 1192 PAGE NO. 168 GROUP NO. 2048B
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:
From _____ To _____
- Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat
(Not Recorded) Other:
- 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

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 21st day of October, 2022.



Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of October 20, 2022, Certificate of Land Use Restriction (#22-FBOA-004-A), for John Barry, Property Owner(s).

The following conditions will apply:

- 1.) Short term renters shall be required to rent the dwelling for a minimum of two nights.
- 2.) One renter or group shall rent the entire household with a single-rental contract.
- 3.) A zoning permit shall be processed through the Boone County Planning Commission, indicating either: 1.) the short-term rental property shall be for a two bedroom, maximum six (6) occupants with the existing four (4) off-street parking spaces; or 2.) a three bedroom, seven (7) occupants with the existing four (4) off-street parking spaces and one (1) additional off-street parking space.
- 4.) If the required off-street parking requirements are changed, a new zoning permit shall be processed through the Boone County Planning Commission to ensure that the number of bedrooms/guests meet the new parking requirements.

The approved Conditional Use Permit, as well as the preceding conditions, apply to the property described in:

DEED BOOK 1192

PAGE NO. 168

GROUP NO. 2048B