

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-19-20**

AN ORDINANCE ADOPTING AND APPROVING TEXT AMENDMENTS TO ARTICLES 9, 16, 23, 31, AND 40 OF THE BOONE COUNTY ZONING REGULATIONS TO (1) DEFINE “SHORT TERM RENTAL”; (2) ALLOW “SHORT TERM RENTALS” IN THE RESIDENTIAL, EMPLOYMENT PLANNED DEVELOPMENT/RESIDENTIAL PLANNED DEVELOPMENT (EPD/RPD) ZONE, AND FLORENCE MAIN STREET ZONING STUDY (FMS) ZONES; AND (3) ADD SUPPLEMENTARY PERFORMANCE STANDARDS FOR “SHORT TERM RENTALS”, WITHIN THE CITY OF FLORENCE, KENTUCKY.

WHEREAS, the City of Florence, Kentucky, is a member of the county-wide planning unit for Boone County, which is served by a joint county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission was requested to study and recommend appropriate zoning text regulations pertaining to Short Term Rentals within appropriate zoning districts of the City of Florence, Kentucky, and

WHEREAS, the Boone County Planning Commission by Resolution No. R-20-013-A has recommended approval and adoption of text amendments to Articles 9, 16, 23, 31, and 40 of the Boone County Zoning Regulations adopted by the City of Florence, Kentucky, in year 2014, this recommendation by the Boone County Planning Commission being in accordance with Chapter 100 of the Kentucky Revised Statutes, and

WHEREAS, the recommendation for approval of these text amendments from the Boone County Planning Commission is based upon certain findings attached to, and made part of, that Commission’s Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

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

SECTION I

That Section 923 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Rural Suburban (RS) zoning district “Short Term Rentals” within Section 923. Accordingly, Section 923 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Rural Suburban (RS) District

Section 923 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted recreational or residential use; or b) the activity will not contradict the semi-rural character of the district; c) require or contribute to infrastructure needs above than common to the permitted uses of the district; d) is of direct relation to and in support of the purpose of the district; and, e) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Country clubs, clubhouses, lodges and similar places of assembly or entertainment--including the operation of eating and drinking establishments with alcoholic beverages (Site Plan Review required);
2. Commercial kennels and boarding stables including grooming and veterinary services (minimum 5 acres) (Site Plan Review required);
3. Day care centers (Site Plan Review required);
4. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
5. Cemeteries including mausoleums (Site Plan Review required);
6. Duplex dwelling units;
7. Unlighted athletic fields;
8. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
9. Short term rentals. (Applies to the City of Florence Only)

SECTION II

That Section 933 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Suburban Residential One (SR-1) zoning district "Short Term Rentals" within Section 933. Accordingly, Section 933 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Suburban Residential One (SR-1) District

Section 933 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided: 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.

1. Duplex dwelling units with garages; City of Florence Only - Duplex dwelling units with garages (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries, including mausoleums (Site Plan Review required);
4. Day care centers (Site Plan Review required);
5. Unlighted athletic fields;
6. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
7. Short term rentals. (Applies to the City of Florence Only)

SECTION III

That Section 943 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Suburban Residential Two (SR-2) zoning district “Short Term Rentals” within Section 943. Accordingly, Section 943 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Suburban Residential Two (SR-2) District

Section 943 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Conversion of an existing dwelling into multiple units of not more than three families (Not Applicable within the City of Florence);
2. Townhouse dwelling units (Site Plan Review required), (City of Florence only);
3. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
4. Cemeteries including mausoleums;
5. Duplex dwelling units with garages, (City of Florence Only) (Site Plan Review required);
6. Day care centers (Site Plan Review required);
7. Horse related uses, including riding and boarding stables, as defined by KRS

- 100.111 (2)(c).
8. Short term rentals. (Applies to the City of Florence Only)

SECTION IV

That Section 953 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Suburban Residential Three (SR-3) zoning district “Short Term Rentals” within Section 953. Accordingly, Section 953 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Suburban Residential Three (SR-3) District

Section 953 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact and intermixed residential character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Day care centers (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required);
4. Unlighted athletic fields;
5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
6. Elderly housing facilities (Site Plan Review required).
7. Short term rentals. (Applies to the City of Florence Only)

SECTION V

That Section 963 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Urban Residential One (UR-1) zoning district “Short Term Rentals” within Section 963. Accordingly, Section 963 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Urban Residential One (UR-1) District

Section 963 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use of the neighborhood; or b) the activity will not contradict the compact, but single family character of the district; and c) the arrangement of uses, buildings, or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

1. Day care centers (Site Plan Review required);
2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required).
4. Unlighted athletic fields;
5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
6. Elderly housing facilities (Site Plan Review required).
7. Short term rentals. (Applies to the City of Florence Only)

SECTION VI

That Section 971 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Urban Residential Two (UR-2) zoning district “Short Term Rentals” within Section 971. Accordingly, Section 971 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Urban Residential Two (UR-2) District

Section 971 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualification of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the urban residential character of the district: and, c) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Day care centers (Site Plan Review required);

2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
3. Cemeteries including mausoleums (Site Plan Review required).
4. Unlighted athletic fields;
5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
6. Elderly housing facilities (Site Plan Review required).
7. Short term rentals. (Applies to the City of Florence Only)

SECTION VII

That Section 979 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional Use within the Urban Residential Three (UR-3) zoning district “Short Term Rentals” within Section 979. Accordingly, Section 979 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Urban Residential Three (UR-3) District

Section 979 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use or is derivative of the type of residential shelter proposed or is a related residential function of the institutional facility being supported; or b) the activity is primarily for residents of the district; and c) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
2. Day care centers (Site Plan Review required).
3. Unlighted athletic fields;
4. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c);
5. Elderly housing facilities (Site Plan Review required).
6. Short term rentals. (Applies to the City of Florence Only)

SECTION VIII

That Section 994 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Conditional

Use within the Residential One Family (R-1F) zoning district “Short Term Rentals” within Section 994. Accordingly, Section 994 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Residential One Family (R-1F) District

Section 994 Conditional Uses and Criteria

The following use and their appropriate accessories are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a principally permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of the uses, buildings, and structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Churches, synagogues, temples, and other place of religious assembly for worship (Site Plan Review required);
2. Cemeteries including mausoleums (Site Plan Review required);
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).
4. Short term rentals. (Applies to the City of Florence Only)

SECTION IX

That Section 1602 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Permitted Use within the Employment Planned Development District (EPD) and the Residential Planned Development District (RPD) zoning districts “Short Term Rentals” within Section 1602. Accordingly, Section 1602 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Employment Planned Development District (EPD)

Residential Planned Development District (RPD)

Section 1602 Permitted Uses

In any proposed Employment Planned Development (EPD) or Residential Planned Development (RPD) district, the number and type of permitted uses are flexible if they are compatible with adjoining land uses, the objectives of this article and fit in with the character of the overall project. Each developer or applicant is required to define in detail the type of residential and employment uses. Commercial, office and indoor/outdoor recreational uses are permitted in a Residential Planned Development district only if they appear on a neighborhood scale and are oriented towards convenience of commercial, office and

indoor/outdoor recreational needs of the district's residents. Commercial, office and indoor recreational uses are allowed in a Residential Planned Development district at a maximum of 80 square feet of commercial/office/recreational use per one (1) residential dwelling unit or lot. There is no maximum limit on the amount of land devoted to outdoor or passive recreation (e.g. open space). Conversely, residential uses are allowed in an Employment Planned Development district to the extent permitted in the following table.

Total Acreage of Site	Use Cannot Exceed*
1-100 acres	15%
100+ acres	25%

*defined as land area uses devoted to residential uses

The developer or applicant may use those uses listed in any of the zoning classifications of this order so as to describe the type of residential, commercial, office or industrial use to occur is the appropriate planned development district. (e.g. discount retail, specialty retail, light industrial and office/research shall be further defined as to examples of typical tenants). The developer or applicant may use those uses listed in any of the zoning classifications of this order so as to describe the type of residential, commercial, office or industrial use to occur is the appropriate planned development district. (e.g. discount retail, specialty retail, light industrial and office/research shall be further defined as to examples of typical tenants). Short term rentals in residential dwelling units are a Conditional Use in existing Residential Planned Development districts and are subject to the Conditional Use Permit procedure in Article 2 and the Standards for Short Term Rentals in Section 3191. (The previous sentence applies to the City of Florence Only)

SECTION X

That Section 2310 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include as a Principally Permitted Use within the Florence Main Street Zoning Study (FMS) zoning district “Short Term Rentals” within Section 2310. Accordingly, Section 2310 of the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended to provide as follows:

Florence Main Street Zoning Study (FMS)

Section 2310 Principally Permitted Uses

1. Grocery stores and supermarkets, retail sale of meat, fish, dairy and poultry products, bakery, produce and specialty foods;

2. Professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses;
3. Studios for artists, designers, photographers, musicians and sculptors;
4. Florists excluding greenhouses;
5. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
6. Medical, dental or optical clinics;
7. Beauty and barber services and tanning salons;
8. Day care centers;
9. Antiques, art, craft and hobby supplies and products, gifts and novelties;
10. Apparel stores, department stores, general merchandise, shoe stores, specialty clothing or boutiques and other apparel retail trade;
11. Eating and drinking places including alcoholic beverages, but excluding drive-through restaurants;
12. Household electronic sales;
13. Churches, synagogues, temples and other places of religious assembly for worship;
14. Bed and Breakfast Inns;
15. Detached single-family, duplex, townhouse, apartments, condominium and landominium dwelling units;
16. Art, music and dancing schools, libraries and museums;
17. Motion picture theaters, play houses, puppet shows (indoor);
18. Recreations centers, gymnasiums, parks, clubs and similar athletic uses;
19. Professional schools and special training and schooling facilities;
20. Sporting goods including bicycles;
21. Draperies, curtains, upholstery and floor coverings, furniture sales and repair;
22. Books, stationery, newspapers, magazines, related media, greeting cards and party supplies;
23. Hardware, paint, glass and wallpaper stores;
24. Banks and financial institutions (excluding drive-throughs);
25. Dry cleaning services, shoe repair, and tailoring;
26. Elderly housing facilities and nursing homes;
27. Jewelry stores;
28. Body-art services;
29. Short term rentals.

SECTION XI

That the Boone County Zoning Regulations text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to include a new provision listed as Section 3191 to establish Standards for Short Term Rentals that apply to the City of Florence only under Article 31 Supplemental Performance Standards of that Zoning Regulations Text. Accordingly,

Section 3191 of the Boone County Zoning Regulations Text as applicable to the City of Florence, Kentucky, shall be and is hereby established and enacted to provide as follows:

Article 31 Supplemental Performance Standards

Section 3191 Standards for Short Term Rentals (Applies to the City of Florence Only)

1. Except as provided for in Article 34, there shall be no external on-site or off-site advertising signs or displays indicating the property is a short term rental.
2. Short term rentals shall not be allowed in any area not considered a primary dwelling (i.e., recreational vehicles, tents, garages, boats, etc.).
3. There shall be no more than two (2) adult guests per bedroom, plus no more than two (2) additional adult guests, except for the following:
 - a. There shall be a maximum occupancy of ten (10) persons, adult and children.
 - b. Bedrooms under one hundred twenty (120) square feet shall be limited to only one (1) adult occupant.
4. 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.
5. Any advertisement of the property as a short term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.
6. The property on which the short term rental is to be located shall not be located closer than 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.
7. When located in a residential district, a short term rental shall use the existing, main building entrance for access and the construction of additional exterior ingress/egress doorways shall be prohibited. Access to individual guest rooms or suites shall be from the interior of the structure.
8. It shall be unlawful:
 - a. To operate, or to allow to be operated, a short term rental without first obtaining a Permit for the property in which the rental is to occur with the City in accordance with Ordinance Number O-20-20).
 - b. 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.
 - c. To operate a short term rental that does not comply with all applicable city and state laws and codes.
 - d. To operate a short term rental without paying the required hotel occupancy taxes.

- e. To offer or allow the use of a short term rental in a manner which violates the City Noise Control Ordinance (O-16-95).
- f. 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.
- g. Permit the use of the short term rental for any illegal purpose or any use not permitted by the residential zoning regulations.
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.

SECTION XII

That Article 40 of the Boone County Zoning Regulations Text as applicable to the City of Florence, Kentucky, shall be and is hereby amended and approved to enact and include a definition of “Short Term Rental” as follows:

Article 40 Definitions

Section 4000 Interpretation of Terms or Words

Short Term Rental

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:

- 1. A unit that is used for nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use.
- 2. A bed and breakfast.
- 3. A hotel/residence hotel. (Applies to the City of Florence Only)

SECTION XIII

This Ordinance and its recommended text amendments and enactments to the Boone County Zoning Regulations Text as applicable to the City of Florence, Kentucky, are based on the Findings of Fact recommended and adopted by the Boone County Planning Commission as outlined in its Technical/Design Review Committee Report dated October 7, 2020, which is contained within and made part of the Planning Commission’s recommendation and is that Commission’s Resolution No. R-20-013-A, marked as Exhibit “1”, incorporated herein by reference as if fully set out.

SECTION XIV

Further, this Ordinance and its text amendments and enactments to the Boone County Zoning Regulations Text are intended to promote the public health, safety, and general welfare of the planning unit, which includes the City of Florence, Kentucky, to facilitate the orderly and harmonious land use development and intensity of land use and to assist in the proper regulation of congestion, the circulation of people and commodities, the loss of life, health, or property, from fire or other dangers, among other legitimate governmental purposes recognized in Chapter 100 of the Kentucky Revised Statutes.

SECTION XV

All other terms, provisions, clauses, parts, sections, subparts, subsections, or portions of the current Zoning Regulations Text as applicable to the City of Florence, Kentucky, adopted in year 2014 shall and do hereby remain in full force and effect.

SECTION XVI

If the approval of this Ordinance or its Text Amendments herein to Articles 9, 16, 23, 31, and 40 of the Boone County Zoning Regulations Text as applicable to the City of Florence, Kentucky, shall be held invalid, in whole or in part, by any court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning text regulations, zoning map, comprehensive plan, or other portions, provisions, or terms of any other regulations adopted as Zoning or Land Use Regulations applicable to the City of Florence, Kentucky, as they are deemed severable from this Ordinance and are intended to have continued full force and effect regardless of any invalidity relating to this particular Ordinance.

SECTION XVII

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:

/s/ Diane E. Whalen
Diane E. Whalen, Mayor

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk