

**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. 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:

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

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk