

## ORDINANCE 2023-21

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL TO ADOPT A SERIES OF ZONING TEXT AMENDMENTS TO THE BOONE COUNTY ZONING REGULATIONS, SUCH AMENDMENTS TO BE MADE TO SECTION 505.5, USE/DISTRICT MATRIX – PUBLIC FACILITY, AIRPORT, SMALL COMMUNITY OVERLAY, AND SPECIAL STUDY DISTRICTS, OF THE BOONE COUNTY ZONING REGULATIONS TO: (1) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – RESIDENTIAL (GR-R) DISTRICT; AND (2) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – COMMERCIAL (GR-C) DISTRICT; AND (3) ADD SHORT TERM RENTAL AS A CONDITIONAL USE WITHIN THE GRAVES ROAD – BUSINESS PARK (GR-BP) DISTRICT.**

**WHEREAS**, the Boone County Planning Commission is a county-wide planning unit for Boone County, Florence, Walton, and Union, Kentucky; and

**WHEREAS**, the Boone County Planning Commission has previously adopted regulations for the zoning of land in Boone County, Florence, Walton, and Union, Kentucky, in accordance with Chapter 100 of the Kentucky Revised Statutes; and

**WHEREAS**, the Legislative Bodies comprising the membership of the Boone County Planning Commission have previously adopted zoning regulations as recommended by the Boone County Planning Commission; and

**WHEREAS**, the Boone County Planning Commission has recommended approval of a series of text amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional Use within the Graves Road – Residential (GR-R) district and (2) add Short Term Rental as a Conditional Use within the Graves Road – Business Park (GR-BP) district. The proposed text amendments are listed in the attached Staff Report; and

**WHEREAS**, the Boone County Planning Commission has recommended denial of a series of text amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (2) add Short Term Rental as a Conditional Use within the Graves Road – Commercial (GR-C) district; and

**WHEREAS**, the Boone County Fiscal Court has considered the recommendation for denial with respect to Short Term Rental as a conditional use in the Graves Road Commercial (GR-C) zone and has determined that it desires to approve of a series of text amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional Use within all Graves Road zoning districts.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

**Section One**

The proposed text amendments to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to: (1) add Short Term Rental as a Conditional Use within the Graves Road – Residential (GR-R) district; and (2) add Short Term Rental as a Conditional Use within the Graves Road – Business Park (GR-BP) district are hereby approved and enacted. The text amendments were approved by the Boone County Planning Commission as set forth in its minutes and official records for the request are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A." The Planning Commission recommended approval of the request based upon the findings of fact as set forth in the Committee Report and marked as "Exhibit A."

**Section Two**

The Boone County Fiscal Court hereby overturns the recommendation for denial by the Boone County Planning Commission to add Short Term Rental as a Conditional Use within the Graves Road-Commercial (GR-C) district, such text amendment being denied by the Boone County Planning Commission as set forth in its minutes and official records for the request are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A." The Planning Commission recommended disapproval of the request based upon the Finding of Fact as set forth in the Committee Report and marked as "Exhibit B."

The Boone County Fiscal Court hereby approves and enacts a text amendment to Section 505.5, Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study Districts, of the Boone County Zoning Regulations to add Short Term Rental as a Conditional Use within the Graves Road – Commercial (GR-C) district. Findings of Fact in support of this action are attached as "Exhibit C".


**Section Three**

This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

**First Reading the 10<sup>th</sup> day of October 2023**

**Second Reading the 24<sup>th</sup> day of October 2023**

Adopted this 24<sup>th</sup> day of October 2023 Yes 4 No 0

  
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Gary W. Moore, Judge/Executive  
Boone County Fiscal Court

**ATTEST:**

  
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Shona Schulkers,  
Fiscal Court Clerk

## **Findings of Facts**

Supporting approval a short term rental as a conditional use within the Graves Road – Commercial (GR-C) District.

1. Mixing of residential and other land uses shall be encouraged where appropriate (Overall Goal A, Objective 2).
2. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).
3. Development policies shall not discriminate against any person (Demographics Goal A, Objective).
4. Tourist oriented commercial facilities should be encouraged provided that the impacts on other land uses are minimal (Natural and Cultural Resources Goal A, Objective 4)
5. Boone County shall evaluate and promote business and economic sectors of the future and explore ways to encourage existing industry to be competitive in a regional and global economy (Economy Goal A, Objective 3).
6. Mixing of commercial and non-commercial uses shall occur in areas where consideration has been given to assure compatibility with surrounding land uses and natural systems (Economy Goal B, Objective 2).
7. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).
8. Non-Conforming residential uses within the Graves Road commercial zone for short term rentals do not unreasonable expand the non-conforming use.
9. The Boone County Fiscal Court expressly shared its desire to allow such a non-conforming use within the Graves Road – Commercial District (GR-C) as evidenced by the adoption of resolution 2023-73.

# **Resolution Of The Boone County Fiscal Court**

## **Resolution No. 2023 - 73**

**A RESOLUTION RELATING TO THE BOONE COUNTY FISCAL COURT AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR TO MAKE APPLICATION TO THE BOONE COUNTY PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE COUNTY'S ZONING ORDINANCE THAT WOULD LIST SHORT TERM RENTAL UNITS AS CONDITIONALLY PERMITTED USES WITHIN ALL GRAVES ROAD ZONING DISTRICTS.**

**WHEREAS**, the Boone County Fiscal Court has previously adopted ordinance number 2021-10 on April 27<sup>th</sup>, 2021, amending the text of the official zoning ordinance to create new residential zoning districts within the Graves Road interchange neighborhood; and

**WHEREAS**, the Boone County Fiscal Court has also previously adopted ordinance number 2021-29 on August 10<sup>th</sup>, 2021, enacting regulations governing short term rental units within residential zoning districts throughout Boone County; and

**WHEREAS**, the newly created Graves Road residential zoning districts were inadvertently excluded from the amendment that would permit short term rental units as conditional uses, consistent with other residential zoning districts across the county; and

**WHEREAS**, several affected residents within the Graves Road neighborhood have contacted the county expressing desire to pursue short term rental unit approvals subject to amendment to the text of the zoning ordinance governing these land use types.

**NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT, COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

**SECTION I**

The Boone County Fiscal Court hereby authorizes and directs the County Administrator, on its behalf, to make application for a text amendment to the zoning ordinance, that would identify short term rental units as conditionally permitted uses within all Graves Road zoning districts, resulting in consistency and uniformity with other residential zoning districts throughout the county.

The Fiscal court will then review the proposed text amendment, and official Planning Commission report and recommendation, and consider the appropriateness of said text amendment at that time consistent with the applicable statutory process.

**SECTION II**

That this resolution is hereby approved and adopted in Open Session of the Boone County Fiscal Court this 18<sup>th</sup> day of April 2023.

**Gary W. Moore, Judge/Executive  
Boone County Fiscal Court**

**Attest:**

**Shona Schulkers,  
Fiscal Court Clerk**