

**Short-Term Rentals (STRs) & Bed & Breakfast Establishments (B&Bs) – Zoning Compliance Checklist
Agricultural & Residential Zoning Districts**

Cities of Bloomfield, Fairfield, and New Haven and Unincorporated Nelson County

(rev. 5/27/2022)

**Joint City-County Planning Commission of Nelson County
One Court Square, 2nd Floor, Old Courthouse Building
Bardstown, Kentucky
(502) 348-1805**

STRs & B&Bs in agricultural and residential zoning districts require a Conditional Use Permit (CUP) from the appropriate Board of Adjustment (BOA). A CUP application must be completed, and the proposed conditional use must meet all requirements set forth below. If a CUP is approved, then the Applicant/Owner must obtain a Zoning Compliance Permit for change of use and obtain all other permits, inspections, and licenses prior to offering or renting the STR or B&B (see attached Information Sheet).

- **Bed and Breakfast Establishment:** A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for a tenancy or occupancy for less than thirty (30) consecutive days in duration and where the only meal, food or drink served or otherwise provided by the property owner to any guest is breakfast. This term does not include hotels, motels, extended stay lodging, short-term rentals, and boarding, rooming, and lodging houses.
- **Short-Term Rental:** A dwelling unit, or portion thereof, which has guest rooms or suites used, rented, leased, hired out, or otherwise assigned for tenancy or occupancy for less than thirty (30) consecutive days in duration and where no meals, food or drink are served or otherwise provided by the property owner to any guest. This term includes tourist and guest homes. This term does not include hotel or motel rooms, extended stay lodging, bed and breakfast establishments, and boarding, rooming, and lodging houses.

STR & B&B Conditional Use Permit Requirements

Prior to the approval of a conditional use permit hereunder, the BOA must consider the impact of the proposed use upon surrounding properties and ensure that the character of the area is protected. This conditional use shall meet the mandatory requirements set forth in Section 4.3(C) of these Regulations and the following mandatory criteria:

- (1) The maximum stay for a guest shall be 30 consecutive days. A dwelling unit rented to and occupied by the same occupant for 31 consecutive days or more is not considered a bed and breakfast establishment or short term rental.
- (2) The bed and breakfast or short-term rental shall be in the name of the Applicant/Owner, who shall be an owner of the real property upon which the B&B or short-term rental use is to be permitted.
- (3) The BOA may limit the number of rooms and maximum occupancy.
- (4) The Applicant/Owner must provide the Planning Commission and post on the exterior of the site the name and contact information for a responsible local contact person who will be available during periods of occupancy.
- (5) The maximum occupancy of the dwelling shall not exceed two (2) times the number of bedrooms, not including the resident owner and family members.
- (6) Such use shall be limited to detached single-family dwellings or an approved detached accessory dwelling and shall not be located in two-family or multi-family residential dwellings, condominiums, townhouses, or single-wide manufactured homes.
- (7) Only minimal food service shall be served or otherwise provided to guests, and evidence of annual food safety permit from the Health Department must be submitted at the time of annual inspection.
- (8) The dwelling unit shall maintain its exterior appearance as a single-family residential structure, and there shall be minimal outdoor signage identifying the conditional use, as allowed by applicable sign regulations.
- (9) The dwelling unit shall have off-street parking and comply with the minimum/maximum parking standards as set forth in Article 11 of this Ordinance.
- (10) The use shall comply with all applicable building, health, fire and related safety codes at all times and shall be inspected by the Building Inspector and Fire Marshall before any activity can occur. Evidence of fire and building compliance shall be submitted at the time of annual inspection.
- (11) As part of the consideration of an application under this section, the BOA shall, when considering compliance with Section 4.3 (C) of these regulations consider the following relevant factors as a basis for approval or denial of the Conditional Use:
 - (a) The land use character of the area in which the proposed use will locate. Mixed use areas are generally considered more appropriate for bed and breakfast establishments and short-term rentals. Mixed density residential areas are not as appropriate for bed and breakfast establishments and short-term rentals as mixed-use areas but can be considered as appropriate with proof of appropriateness given. Areas of solid single family residential use should be limited as locations for bed and breakfast establishments and short-term rentals with a general presumption that such use may have a detrimental effect on the character of the area and its housing stock.
 - (b) The number of bed and breakfast establishments and short-term rental units in the area, specifically on the block where the proposed use will be located. As a general presumption, too many bed and breakfast establishments and short-term rental units in a smaller area will change the character of the area, provide unique challenges to the permanent residents of the area and will deter long-term residency in the area. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use.
 - (c) The character of the structure to be used and the impact of the proposed use on the availability/affordability of housing for permanent residency. Permanent residents are an important and vital part of the community. They support local business and the community as a whole. Removing too many dwelling units from permanent residency to be used solely for bed and breakfast establishment or short-term rental is presumed detrimental the vibrancy of the community. Evidence to overcome this presumption shall be provided as part of any application for a bed and breakfast establishment or short-term rental use. Preference shall be given by the BOA to applications with a permanent resident owner/operator on site during periods of occupancy. (d) In addition to the above relevant factors, the BOA may further consider other relevant factors deemed by the BOA to be unique to the subject property.