

EXHIBIT A

Title XV: Land Usage Chapter 154: Zoning Code

Add this new section:

§ 154.16.14 SHORT-TERM RENTALS.

- (A) Purpose. It is the intent of this section to establish regulations regarding short-term rentals for temporary lodging intended for travel and tourism. These regulations have been established to allow property owners to use their properties as short-term rentals, while mitigating any potential disruption that short-term rentals may have on a neighborhood and ensuring there are no life safety concerns.
- (B) Objectives. The objectives of this section are as follows:
- (1) Provide residents the option to utilize their homes as short-term rentals to generate rental income.
 - (2) Ensure that short-term rentals are not a public nuisance in the neighborhood.
 - (3) Protect the safety of short-term renters and minimize demands on police, fire, and code enforcement services.
 - (4) Protect private property values of the property of neighboring property owners in the city's residential neighborhoods.
- (C) Applicability. These regulations shall apply to all short-term rental units as defined in this section currently operating within the city or seeking to locate or relocate within the city on or after the effective date of this section.
- (D) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) **EFFICIENCY OR STUDIO UNIT**. An efficiency or studio unit is a compact, open-concept unit where the living, dining, and sleeping areas are combined into a single room. The only separate space enclosed by a door is the bathroom.
 - (2) **EMERGENCY CONTACT**. An easily accessible adult contact person that shall serve as an immediate point of contact to remedy any issues with the short-term rental unit. The emergency contact shall be available as required to address potential issues with the short-term rental unit. Issues include, but are not limited to, damage to persons or property, potential violations of the short-term rental license, health code violations, zoning code violations, building code violations, and public safety violations.
 - (3) **HOSTING PLATFORM**. A person or entity that participates in the short-term rental

business by providing, collecting, or receiving a fee for a booking service that allows an operator to advertise the short-term rental unit. Current examples include but are not limited to Airbnb, VRBO, and HomeAway.

- (4) **RENTAL PARTY.** A rental party shall be considered one or more individuals who booked and/or intended to rent the short-term rental unit together at the same time.
 - (5) **SHORT-TERM RENTAL.** Rental of all or any portion of a residential dwelling for dwelling, lodging, or sleeping purposes for a period of less than thirty (30) consecutive days by persons from whom the owner receives monetary compensation. This term does not include hotel or motel rooms, or bed and breakfast establishments, as defined by the City of West Carrollton Code of Ordinances.
 - (6) **SHORT-TERM RENTAL HOST or HOST.** Any person who is the owner of record of residential real property on which the owner operates a short-term rental unit, or the operator or manager of a short-term rental unit.
 - (7) **SHORT-TERM RENTAL UNIT.** A residential dwelling which maintains a valid short-term rental license.
 - (8) **SHORT-TERM RENTAL USER.** Any individual who rents all or a portion of a short-term rental unit for a period of less than thirty (30) consecutive days. Short-term rental user shall also include any overnight guests of the individual renting all or a portion of a short-term rental unit.
- (D) Short-Term Rental License Required. Any person desiring to utilize or advertise a property as a short-term rental unit shall comply with all applicable federal, state, and local regulations, and shall obtain a short-term rental license from the Department of Planning and Community Development prior to operating or advertising a short-term rental unit. Any owner or operator of a short-term rental unit already in use or advertised at the time of passage of this section shall obtain a license within sixty (60) days of its passage, or shall be considered in violation of this section.
- (1) *Short-Term Rental License Requirements.* Applications for short-term rental licenses shall be filed with the Department of Planning and Community Development, on a form to be furnished by the Department of Planning and Community Development, which form shall include, but may not be limited to, the following information:
 - (a) The street address of the proposed short-term rental unit.
 - (b) A site plan showing the layout of the property, including the location of off-street parking and the number and size of parking spaces available.
 - (c) A floor plan of the interior of the short-term rental unit, identifying the square footage of the short-term rental unit, the location and number of bedrooms (if any) to be offered for short-term rental use, and the maximum number of

occupants.

(d) Contact information includes:

- (i) The name and contact information of the applicant.
- (ii) The name and contact information of the owner of record of the property (if different from the applicant).
- (iii) The name, address, phone number(s), and email address, if applicable, of the emergency contact. The emergency contact designated in the application may receive notices from the pertaining to the operation and maintenance of the short-term rental unit. All contact information shall be complete, current, and legible. The applicant shall immediately notify the Department of Planning and Community Development, in writing, of any change in the emergency contact's address, phone number(s), and email address.

(e) A list of all hosting platforms where the short-term rental unit will be advertised, as well as any other media used to advertise the short-term rental. A valid city short-term rental license number shall be displayed on all listings.

(f) A valid copy of all licenses or permits required by the County of Montgomery, the State of Ohio, and any subsidiary enforcement divisions thereof, as well as certification through separate declaratory statements from the property owner, applicant, and host, to the extent they are different individuals, that to the best of his or her knowledge, the short-term rental unit is in conformance with all applicable building codes, health codes, zoning codes, property maintenance codes, fire codes, and covenants and restrictions applicable to the property where the short-term rental unit will be located.

(g) Certification through separate declaratory statements from the property owner, applicant, and host, to the extent they are different individuals, that he or she has registered with the City of West Carrollton Finance Department, will submit any relevant forms to the City of West Carrollton Finance Department, and will timely pay any applicable hotel/motel or other taxes as may be required by the City of West Carrollton Code of Ordinances.

(h) The property owner shall furnish and maintain commercial general liability insurance, including products liability damage, property damage, bodily injury, and personal and advertising injury against claims for injuries to persons or damages to property which may arise from or in connection with the operations under the short-term rental license or in connection therewith. Such insurance shall be issued by an insurance company licensed to do business in Ohio and shall provide coverage of not less than \$1,000,000 per occurrence. The property owner shall provide a Certificate of Insurance evidencing compliance with the specifications herein prior to commencing activities pursuant to this license. A short-term rental license issued pursuant to the provisions of this section shall

be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the City of West Carrollton.

- (i) Confirmation that the short-term rental unit has all requisite utilities operational and that the property owner is current on all utility payments.
 - (j) A Short Term Rental Unit shall comply with all applicable federal, state, and local fire safety requirements, as determined by an inspection by the West Carrollton Fire Department prior to issuance of a license, and at any other time deemed necessary to address life safety concerns.
 - (k) Applications for a license to operate a short-term rental unit shall be accompanied by an application fee as specified in the city's General Fee Schedule established pursuant to Chapter 37 of the City of West Carrollton Code of Ordinances.
- (2) *License Term.* Each short-term rental license shall be valid until December 31 of the calendar year in which it is issued.
- (3) *Non-transferable.* Short-term rental licenses are non-transferable. A change in the ownership of the property shall void the license. No license issued pursuant to this section shall be transferable to a different property.

(E) Renewal of Short-Term Rental License.

- (1) *License Term.* All short-term rental unit owners shall apply to renew their short-term rental license before the expiration date of the current License.
- (2) Renewal of short-term rental license shall require the submission of an updated application to operate the short-term rental unit, per the requirements of subsection (D) above.
- (3) Applications to renew a license to operate a short-term rental unit shall be accompanied by an application fee as specified in the city's General Fee Schedule established pursuant to Chapter 37 of the City of West Carrollton Code of Ordinances.
- (4) A renewed short-term rental license shall be valid until December 31 of the calendar year in which it is issued.

(F) General Limitations.

- (1) All short-term rental units shall be in compliance with all applicable federal, state, and local laws, regulations, and directives.
- (2) *Location.* Short-term rental units are permitted in the following zoning districts:
 - (a) *CC City Center District*
 - (b) *A Agricultural District*

- (c) *R-1 Single-Family Residential District*
 - (d) *R-2 Single-Family Residential District*
 - (e) *O-R Office-Residential District*
 - (f) *H Heritage District*
- (3) *Occupancy.* The property owner and host shall be responsible for ensuring that the short-term rental unit is in compliance with the following occupancy requirements:
- (a) The short-term rental unit may only be occupied by a maximum of two (2) parties of short-term rental users on any given date, whether the short-term rental users within the parties are related to one another or not.
 - (b) The maximum occupancy of a short-term rental unit for any given date shall be limited to the lesser of: (i) 10 persons; (ii) one person per 200 square feet of the dwelling unit; or (iii) two adult guests per bedroom or per efficiency/studio unit.
 - (c) At least one short-term rental user must be 25 years of age or older at the time of booking. No short-term rental user under the age of 25 may occupy a short-term rental unit without the short-term rental user 25 years or older present in the unit at all times.
 - (d) Renting of a short-term rental unit by the hour is prohibited.
- (4) *Separation.* In no case may a short-term rental unit be located closer than five hundred (500) feet to another short-term rental unit, as measured from closest property line to closest property line.
- (5) *Advertising.* No outdoor advertising signs related to the short-term rental unit shall be allowed on the property.
- (6) *Parking.* Short-term rental units shall provide adequate parking for guests on the property, compliant with Section 154.12.01 Off-Street Parking and Loading Requirements of the City of West Carrollton Zoning Code, and will not obstruct traffic with street parking. All vehicles must be parked on a paved surface.
- (7) *Appearance.* Short-term rental units must maintain the exterior appearance of a single-family residential building. No external cues or indicators that a short-term rental unit exists on the property shall be permitted.
- (8) *Utilities.* The short-term rental unit shall share all public utilities with the principal dwelling unit, and shall not be separately metered.
- (9) *Ingress/egress.* No new access points or driveways shall be created or installed for access to the short-term rental, unless specifically authorized by the Department of Planning and Community Development, by all requisite permits, to do so.
- (10) *Information Packet.* A packet of information shall be provided to each party of short-term rental users by the property owner, host, or manager, and shall be posted

conspicuously in the common area of the short-term rental unit. The packet shall summarize guidelines and restrictions applicable to the short-term rental use of the property including:

- (a) City short-term rental license number.
- (b) Contact information for the short-term rental emergency contact;
- (c) Information regarding the maximum occupancy of the short-term rental unit;
- (d) Applicable noise regulations (See Section 138.08 DISTURBING THE PEACE);
- (e) Location of off-street parking spaces and maximum number of vehicles permitted;
- (f) Directions pertaining to the disposal of trash on the property, including the following:
 - (i) Trash or junk shall not be stored within public view, except within proper containers for the purpose of collection.
 - (ii) Information about the trash collection schedule;
- (g) Evacuation routes;
- (h) The short-term rental user's responsibility to not trespass on private property and to not create disturbances;
- (i) Notification that the short-term rental user is responsible for complying with this section, as well as all other applicable sections of the City of West Carrollton Code of Ordinances, and may be cited or fined by the City for violating any city ordinances.

(11) *Uses.* A short-term rental user may use a short-term rental unit for a purpose incidental to lodging or sleeping purposes, provided that the incidental use complies with the rules of the property owner and the requirements of this section, and does not violate any federal, state, and local laws and regulations.

(12) *Outdoor Facilities.* Short-term rental units shall not be operated in accessory structures, tents, recreational vehicles, or any other outdoor facilities.

(13) *Emergency Contact.* All requisite emergency contact information shall be provided to the Department of Planning and Community Development. The emergency contact shall respond to any short-term rental user within twenty-four (24) hours after receiving notice of any issue concerning the property.

(14) The short-term rental unit shall not adversely affect the residential character of the surrounding neighborhood or adversely affect the general public health, safety, and welfare. Short-term rental units shall not be permitted on properties where private covenants and restrictions prohibit such activities. It shall be the responsibility of the applicant, host, and/or property owner to ensure no such prohibitive covenants and

restrictions exist prior to application.

- (15) The short-term rental unit shall not generate excessive noise, trash, traffic, glare, obstructions, odors, vibration, or any other effects that unreasonably interferes with any individual's use and enjoyment of his or her own property.
 - (16) All information associated with the short-term rental license and registration must be updated and shared with the Department of Planning and Community Development within seven (7) days of a change in status, including but not limited to any changes in contact information for the applicant, host, property owner, or emergency contact.
 - (17) The premises of all short-term rental units are subject to inspection by the Department of Planning and Community Development on an as-needed basis to determine compliance with the regulations set forth in this section and with all applicable building codes, health codes, property maintenance codes, and fire codes.
- (G) Denial of Short-Term Rental Application or Renewal Application. A new or renewed short-term rental license may be denied upon a finding that any of the following conditions are true:
- (1) The applicant failed to provide requisite application information or supporting materials for the application.
 - (2) The applicant, host, or property owner has had a short-term rental license suspended or revoked in the past.
 - (3) The applicant, host, and/or property owner has falsified or misrepresented a fact on the application.
 - (4) The applicant, host, and/or property owner continued to operate or advertise a short-term rental unit without a short-term rental license after being notified by the Department of Planning and Community Development to submit a new or renewal license application.
 - (5) The applicant, host, property owner and/or emergency contact has been notified by the City of West Carrollton about an issue with the short-term rental unit and did not address the issue in question within twenty-four (24) hours of contact, unless additional time for compliance is authorized by the city.
 - (6) The applicant, host, property owner, and/or emergency contact has obstructed, interfered with, or failed to make good faith efforts towards correcting violations of this section for any short-term rental unit in the city with which they are associated.
 - (7) The short-term rental unit property is the subject of an outstanding code violation and/or order from the City of West Carrollton, Montgomery County, or another governmental entity or regulatory agency that has not been corrected.

- (8) The short-term rental unit property has been declared a public nuisance by Montgomery County Public Health, the City of West Carrollton, or a court of competent jurisdiction.
- (9) The short-term rental unit property has a documented history or pattern of criminal or drug-related emergency service calls and/or incidents.
- (10) It is determined that private covenants and restrictions prohibit the operation of a short-term rental unit.
- (H) Conflicts. If any provision of this section conflicts with a provision of a lawful and recorded private restrictive covenant, the more restrictive provision shall apply. This provision does not place any duty on the city to enforce private restrictive covenants.
- (I) Revocation of Short-Term Rental License. The Department of Planning and Community Development may revoke a short-term rental license if the short-term rental unit does not comply with this section. A revoked short-term rental license holder may either appeal the revocation as set forth in subsection (K) below or reapply for a new short-term rental license as set forth in paragraph (D). The applicant, host, or property owner may not operate or advertise the short-term rental unit associated with the revoked license until either an appeal is granted or a new license is issued.
- (J) Appeals. Any short-term rental applicant or short-term rental host who has been aggrieved or affected by any decision of the city may appeal such decision in accordance with the provisions of West Carrollton Zoning Code Section 154.05.06(c), Administration Appeals.
- (K) Severability. In the event any provision of this section shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this section as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
- (L) Penalty. Any individual who violates the provisions of this section shall be subject to the penalties specified in West Carrollton Zoning Code Section 154.05.09, Penalty; Equitable Remedies.