AMENDED 1/6/26

ORDINANCE NO. 2025-129

AN ORDINANCE AMENDING CHAPTERS 1103, 1131, 1141, AND 1155 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY, OHIO, TITLED, "DEFINITIONS", "ONE FAMILY RESIDENTIAL DISTRICTS", "BUSINESS DISTRICTS", AND "USE SPECIFIC REGULATIONS", RESPECTIVELY, AND DECLARING AN EMERGENCY.

WHEREAS, advances in technology have enabled residential property owners throughout the United States to connect with potential renters in need of short term accommodations through the use of short term rental applications, websites, or other platforms; and

WHEREAS, the short term rentals made possible by these changes have given rise to a unique business model, unlike hotels and other forms of lodging, that engages a full range of market participants ranging from homeowners and apartment dwellers to institutional investors and that further can range in character from distinctly residential to distinctly commercial; and

WHEREAS, on one hand, short term rentals offer supplemental income for City residents, including a chance to rent property for short periods of vacancy while trying to sell, and short term rentals also increase tourism, providing access to the City for those who might not otherwise visit, and showcasing neighborhoods of the City that may not often host tourists; and

WHEREAS, on the other hand, the City has periodically received complaints and heard disputes between neighbors of property owners who have listed their properties for short term rental contrary to the City's Codified Ordinances and which, in part, have included noise violations or otherwise failed to show civility and respect for the impacted neighborhood and its residents, such that the properties constitute a public nuisance that threaten the health, safety, and welfare of the citizens and residents of the City; and

WHEREAS, the City now wishes to establish the allowance of short term rentals and thereby provide minimum safety and sanitation requirements, including all existing requirements and applicable building codes, zoning codes, housing codes and fire codes; and

WHEREAS, Council desires to strike a balance between allowing property owners to use their properties as they see fit, including offering the property for rental for short periods of time, and also requiring that such property owners remain accountable for their properties and the short term rental activities at the properties; and

WHEREAS, Council desires to insure that an outside short term rental industry in Willoughby, in light of its population and physical area, does not create quickly increasing housing rentals City-wide or in particular areas;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. That Chapter 1103 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Definitions"; specifically, Section 1103.03, titled, "Definitions of General Terms", is hereby amended to read and provide as follows:

1103.03 DEFINITIONS OF GENERAL TERMS.

Words used in this Planning and Zoning Code are used in their ordinary English usage. However, for the purpose of this Planning and Zoning Code, certain words used herein are defined and whenever used in this Code shall have the meaning indicated in this section, except where the context clearly indicates a different meaning.

(a) The following are general terms of reference:

. . .

(b) Certain general terms are hereby defined as follows:

(1) "Abutting" means having a common border with, or being separated from, such a common border by a right-of-way, alley, or easement.

. . .

(79) "Hosting platform" means a person or entity in whatever form or format that provides a means through which short term rentals are offered, listed, advertised, solicited, or otherwise held out for rent, including but not limited to, reservations and/or collection of payments for such accommodations.

(80) "Hotel (or motel)" means a building in which lodging is provided . . .

. . .

(153) "Short term rental" means any residential dwelling unit, or part thereof, which is offered or held out to the public for rent on a hosting website, web or mobile application, or other online platform through which short term rentals are listed, advertised, solicited, or otherwise held out for rent; and for duration of occupancy of less than thirty (30) days. "Short term rentals" does not include a room in a hotel or motel, as defined elsewhere in the Codified Ordinances of the City of Willoughby.

(154) "Sign" means any identification description, illustration or device . .

. . .

(170) "Transient guest" means a person or persons who enters into a contractual arrangement with the operator of a short term rental whereby the person or persons pays rent to the operator, or to a person designated by the operator, to a receive rent in exchange for occupancy of the short term rental.

(171) "Transmission tower" means the structure on which transmitting . .

. . .

SECTION 2. That Chapter 1131 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "One-Family Residential Districts"; specifically, Section 1131.03, titled, "Schedule of Permitted Uses", is hereby amended to read and provide as follows:

1131.03 SCHEDULE OF PERMITTED USES.

One-Family Residential District				Use Specific Regulations Reference	
(a) RESIDENTIAL	R-100	R-80	R-60	R-50	
(1) One-family dwellings	P	P	P	P	--
(2) Two-family dwellings				P	--
~~(3) Short term rental~~	~~C~~	~~C~~	~~C~~	~~C~~	~~1155.04(ww)~~
(b) SUPPORTIVE LIVING/CARE FACILITIES					
(1) Group home, small	PS	PS	PS	PS	1155.04(x)
(2) Senior Citizen Development	C				1155.04(rr)
. . .					

SECTION 3. That Chapter 1141 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Business Districts"; specifically, Section 1141.03, titled, "Schedule of Permitted Uses", is hereby amended to read and provide as follows:

1141.03 SCHEDULE OF PERMITTED USES.

LAND USE CATEGORY	Limited Residential Business L-RB	Office Building O-B	Downtown Business D-B	Retail Business R-B	General Business G-B	Lakeshore Gateway L-G	Use-Specific Regulations Reference
(1) RESIDENTIAL							
(a)One Family Dwelling	P		PS			PS	1141.13
. . .							
(f) Short term rental			**C(b)**			**C**	**1155.04(ww)**
. . .							
(8) ACCESSORY USES							
. . .							

P = Principal Use permitted by right S = Permitted with additional use-specific standards
C = Conditional Use A = Accessory Use
Blank Cell means the use is not permitted
(a) Except that when a studio for instruction occupies space above the first floor of a building such use shall be considered a permitted use.
(b) Sub District A and Sub District D-2 - only and above first floor

SECTION 4. That Chapter 1155 of the Codified Ordinances of the City of Willoughby, Ohio, titled, "Use Specific Regulations"; specifically, Section 1155.04 titled, "Use-Specific Regulations", is hereby amended to read and provide as follows:

1155.04 USE-SPECIFIC REGULATIONS.

This section contains additional standards and requirements that apply to the use type listed, regardless of the zoning district in which the use is permitted unless otherwise expressly stated. Any use in this section that is regulated as a conditional use in the district in which it is proposed shall also comply with the conditional use criteria set forth in Section 1109.05(f)

(a) Accessory Buildings Larger than Permitted by Right. In a Residential District, . . .

. . .

(ww) Short Term Rental. Short term rental may be permitted in ~~all Residential Districts as set forth under Codified Ordinance 1131.03 Schedule of Permitted Uses, and~~ **the** Downtown Business District (D-B)**, but limited to Sub-District A and Sub-District D-2 only and above the first floor** and Lakeshore Gateway Business District (L-G) as set forth under Codified Ordinance 1141.03 Schedule of Permitted Uses upon compliance with the following conditions:

(1) No short term rental shall operate in any calendar year within the City without a short term rental permit applied for, together with required fee, and issued by the Chief Building and Zoning Inspector, or his/her designee. If the application is approved and a permit issued, the short term rental permit shall take effect on the day of issuance and shall expire on December 31st of the year when it is issued. A permit to operate a short term rental shall thereafter be applied for and renewed by the applicant before the end of each calendar year.

(2) Any change in ownership of a short term rental shall void the current short term rental permit and shall require submission and approval of a new short term rental application.

(3) Every short term rental host must provide written notice to the short term rental guest of the trash and recycling collection days for the short term rental dwelling and any applicable rules and regulations pertaining to leaving or storing trash on the exterior of the dwelling.

(4) Smoke detectors shall be provided and maintained within each sleeping area for the short term rental.

(5) Occupancy shall be limited to two (2) individuals per bedroom, plus three (3) additional occupants within the short term rental dwelling. For example, in a short term rental with two (2) bedrooms, the maximum number of occupants would be seven (7).

~~(6) Maximum number of motor vehicles that will be permitted to park at any short term rental shall not exceed the number that can be garaged on-premises plus two (2) that may park in the attached driveway.~~

(6) Records Required. Short term rental hosts shall retain and upon request make available to the City's Chief Building and Zoning Inspector, or his/her designee, official records to demonstrate compliance with this

Chapter, including but not limited to, primary residency, the dates and duration of each stay in the short term rental, **and** the maximum occupancy permitted at the short term rental, ~~and the maximum number of motor vehicles permitted at the short term rental~~. A short term rental host that provides short term rental use shall retain records for a period of at least three (3) years.

(7) A short term rental permit may be revoked and/or suspended if the short term rental is perpetuating conditions interfering with the use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of the required income or excise tax.

Conditions interfering with use and enjoyment of properties within the vicinity of a short term rental include, but are not limited to:

A. The occurrence of any of the activities set forth in the City's Codified Ordinances relating to noise disturbances, nuisances, drug offenses, or disorderly conduct.

B. Occupancy by a number of short term rental users exceeds either (i) the maximum number included in the application for the short term rental permit, or (ii) the maximum occupancy permitted pursuant to this Chapter.

~~C. Parking of a number of motor vehicles exceeding either (i) the maximum number included in the application for the short term rental permit or (ii) the maximum number of motor vehicles permitted at any short term rental pursuant to this Chapter.~~

C. Uninvited entry of short term rental occupants upon neighboring private property within five hundred (500) feet of the short term rental.

(8) No permit under this Chapter shall be transferred to another short term rental operation nor shall any permit be transferable to another individual, corporation, firm, partnership, association, organization, or other group acting as a unit.

(9) Any operator of a short term rental permitted by conditional use in accordance with this Chapter shall pay, or shall cause any hosting platform under which the short term rental is rented on the operator's behalf to pay, all required taxes established by the City under its Codified Ordinances, including but not limited to any established short term rental excise tax.

(10) The violation of any of the conditions set forth in this Section shall result in the automatic invalidation of the short term rental permit. In the event of such revocation, the party affected shall have the right to appeal to the Board of Zoning Appeals from such revocation within ten (10) business days.

(xx) Storge of Unlicensed Vehicles. The storage of unlicensed vehicles may be . . .

. . .

SECTION 5. That the existing Chapters 1131, 1141, and 1155 of the City's Ordinances are hereby repealed in that said Chapters are superseded by this legislation.

SECTION 6. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to allows short term rental applications immediately; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: January 6, 2026 _____
President of Council

Attest: _____
Clerk of Council

Date: 01.07.26 Approved: _____
Mayor

Submitted to the Mayor for his approval on this 7th day of January, 2026.

_____
Clerk of Council

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