

**RECORD OF ORDINANCES**  
CITY OF UPPER ARLINGTON  
STATE OF OHIO

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**ORDINANCE NO. 22-2019**

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**TO AMEND ORDINANCE 38-2018 TO REMOVE THE SUNSET PROVISION AND TO MAKE THE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE CONTAINED IN ORDINANCE 38-2018 PERMANENT.**

**WHEREAS,** City Council passed Ordinance 38-2018 on April 23, 2018, making various amendments to the Unified Development Ordinance (UDO), Part 11 of the Upper Arlington Codified Ordinances, including an amendment to UDO Section 5.02(B) expressly prohibiting renting a residence, or portion thereof, to any tenant for a period of less than 30 days ("short-term rental"); and

**WHEREAS,** Ordinance 38-2018 contained a "sunset" provision by which the amendments contained in that Ordinance would automatically expire on the date one year after the effective date of that Ordinance without further legislative action by City Council; and

**WHEREAS,** as it pertains to short-term rentals, the City has a legitimate interest in preserving its residential neighborhoods, and the proliferation of short-term rentals of residential properties threatens the health, safety, peace and tranquility of those neighborhoods by introducing transient guests into residential areas, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

**WHEREAS,** in order to protect and preserve the character and tranquility of the City's residential neighborhoods and to protect the health, safety, and welfare of the City and its residents, the City wishes to remove the sunset provision from Ordinance 38-2018 and make all provisions of that Ordinance, including the express prohibition on short-term rentals, permanent; and

**WHEREAS,** to ensure that the provisions of Ordinance 38-2018 will not expire prior to Council's action on this Ordinance, and because this Ordinance functions simply to remove the sunset provision of Ordinance 38-2018 and otherwise makes no amendments to the UDO, staff recommends that Council waive any applicable requirements of UDO Section 4.04 and proceeds with this Ordinance

under its typical legislative process.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Upper Arlington, Ohio:

**SECTION 1:** That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Unified Development Ordinance that is being amended.

**SECTION 2:** That Council hereby waives the requirements of UDO Section 4.04 that may pertain to this Ordinance.

**SECTION 3:** That Council hereby amends Ordinance 38-2018, which is attached to and incorporated into this Ordinance as Exhibit A, to remove Section 9 (the “sunset” provision) of that Ordinance, thereby making all amendments to the UDO contained in Ordinance 38-2018 permanent.

**SECTION 4:** That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this Ordinance are hereby declared severable.

**SECTION 5:** That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

**SECTION 6:** That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

**SECTION 7:** That this Ordinance shall take effect at the earliest date allowed by law.

**RECORD OF ORDINANCES**  
**CITY OF UPPER ARLINGTON**  
**STATE OF OHIO**

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**ORDINANCE 38-2018**

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**TO AMEND ARTICLE 11, UNIFIED DEVELOPMENT ORDINANCE (U.D.O.), OF THE UPPER ARLINGTON CODIFIED ORDINANCES, BY AMENDING U.D.O. SECTION 5.02, RESIDENTIAL DISTRICTS; U.D.O. TABLE 5-A, RESIDENTIAL USES; AND U.D.O. SECTION 6.10, CONDITIONAL USES.**

**WHEREAS,** staff proposed various amendments to the Unified Development Ordinance (U.D.O.), including amendments related to short term rentals in residential districts and the uses of apartment hotels, bed and breakfasts, and hotels and motels in single family residential districts, which were presented to Council in Ordinance 32-2018 on April 2, 2018 and April 9, 2018; and

**WHEREAS,** the sections related to short term rentals, apartment hotels, bed and breakfasts, and motels and hotels in single family residential districts have been removed from Ordinance 32-2018 and incorporated into this Ordinance; and

**WHEREAS,** the City has a legitimate interest in preserving its residential neighborhoods, and the proliferation of short-term rentals of residential properties threatens the health, safety, peace and tranquility of those neighborhoods by introducing transient guests into residential areas, leading to increased noise, traffic, and occupancy of residences without sufficient owner supervision and City oversight; and

**WHEREAS,** the City wishes to prohibit short term rentals, apartment hotels, bed and breakfasts, and hotels and motels in single family residential districts for a period of one year in order to prevent further proliferation of these uses in single family residential neighborhoods while also taking time to ensure it regulates these uses in a reasonable, practical manner to protect existing single family residential neighborhoods and the rights of property owners.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Upper Arlington, Ohio:

**SECTION 1:** That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Unified Development Ordinance that is being amended.

**SECTION 2:** That U.D.O. § 5.02 (B), Article 11 of the Upper Arlington Codified ordinances, shall hereby be amended to read as follows:

(B) *Permitted, prohibited, accessory, and conditional uses:* Permitted, prohibited, accessory, and conditional uses for each of the residential use districts are listed in Table 5-A, Residential Uses and Table 5-B, Home Occupational Uses. No residence or portion thereof may be rented out to any tenant(s) for a period of less than 30 days.

**SECTION 3:** That the Residential Uses use “Apartment hotels,” “Bed & Breakfast Homestay,” and “Hotels and Motels,” contained in U.D.O. Article 5, Table 5-A: Residential Uses, Article 11 of the Upper Arlington Codified Ordinances, shall hereby be amended to read as follows:

**Table 5-A: Residential Uses**

	R-S	R-1	R-2	R-3	RCD
Apartment Hotels	Pr	Pr	Pr	Pr	C
Bed & Breakfast Homestay	C	C	C	C	C
Hotels and Motels	<del>C-Pr</del>	<del>C-Pr</del>	<del>C-Pr</del>	<del>C-Pr</del>	C

**SECTION 4:** That U.D.O. § 6.10 (C)(2), Article 11 of the Upper Arlington Codified ordinances, shall hereby be amended to read, as follows:

- (2) ~~Bed and breakfast inn:~~ RESERVED
  - (a) ~~Purpose:~~ The use shall be for the purpose of providing only overnight accommodation and breakfast in up to five (5) guest rooms.
  - (b) ~~Standards:~~
    - i. ~~Facilities shall be compatible with surrounding area and with sufficient site area to accommodate existing and future needs.~~

- ~~ii. For parking, setbacks shall be no more than ten (10) feet from any rear or side yard lot line.~~
- ~~iii. One (1) outdoor advertising sign - up to four (4) square feet in area - may be used at the bed and breakfast facility. The sign may be a wall, ground or post/hanging sign. The post/hanging sign shall not exceed six (6) feet in height. No other signage may be permitted.~~
- ~~iv. Accessory buildings and detached garages used by one (1) or more of the allowed guests shall not contain cooking facilities.~~
- ~~v. Parking shall be screened by a solid wood fence, masonry wall or hedge at least six (6) feet high along the property line adjacent to a residential property. No bed and breakfast shall be located within four hundred (400) feet of another bed and breakfast facility unless waived by BZAP.~~
- ~~vi. A minimum of one (1) parking space shall be provided for each guest unit. Two (2) additional spaces shall be provided for the owner operator in addition to those for the guest units. Driveways may be used as off-street parking areas except for that portion of a driveway located between the property line and the curb.~~
- ~~vii. Breakfast shall be served on the premises only for the guests of the facility, and no other meals shall be provided. "Restaurants" as defined in Article 2 included in bed and breakfast inns shall be subject to the approval of BZAP.~~
- ~~viii. The owner shall maintain a record of the stays of all guests. The same guest or group of registrants shall not stay at the facility for a period of more than seven (7) consecutive days or more than fourteen (14) total days within a given calendar year.~~
- ~~ix. The operator of the bed and breakfast facility must be the owner of record and hold no less than fifty percent (50%) interest in the property. The owner must occupy the property.~~

**SECTION 5:**

That if any provision or section of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect without the invalid provisions or applications, and to this end the provisions and sections of this Ordinance are hereby declared severable.

**SECTION 6:**

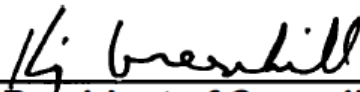
That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to implement and administer this Ordinance.

**SECTION 7:** That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

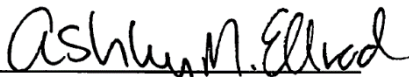
**SECTION 8:** That this Ordinance shall take effect at the earliest date allowed by law.

**SECTION 9:** That the provisions of this Ordinance shall automatically expire on the date one year after the effective date of this Ordinance absent further legislative action by City Council.

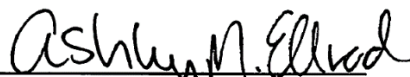
**PASSED: April 23, 2018**

  
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**President of Council**

**ATTEST:**

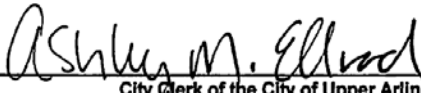
  
\_\_\_\_\_  
**City Clerk**

I, Ashley Ellrod, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.

  
\_\_\_\_\_  
**City Clerk**

**CERTIFICATE OF POSTING**

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 38-2018 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing April 24, 2018.

  
City Clerk of the City of Upper Arlington

**Vote Slip**

**Sponsor:** Mr. King  
**Date Introduced:** April 23, 2018

**Legal Ad:**  
**Newspaper:**

**Reading Date(s):** April 23, 2018

**Voting Aye:** Close, Hoyle, King, Ralph,  
and Greenhill

**Voting Nay:** Casper, Lynch

**Abstain:**  
**Absent:**

**Date of Passage:** April 23, 2018

**City Council Conference Session/Other Review:**  
April 16, 2018

**Other: Suspension of Rules: Thirty Day Clause**