

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2021-08**

**AMENDING SECTION 1262.08 OF THE CODIFIED ORDINANCES OF THE  
VILLAGE OF YELLOW SPRINGS, OHIO WITH RESPECT TO TRANSIENT GUEST  
LODGING SPECIAL REQUIREMENTS FOR CONDITIONAL USE PERMITS**

**Whereas**, Codified Ordinance Section 1262.08(e)(7) provides the application procedure for obtaining a Conditional Use Permit for Transient Guest Lodging while Chapter 882 of the Codified Ordinances imposes a Lodging Excise Tax of three percent on all rents received by a lodging establishment for lodging furnished to transient guests;

**Whereas**, upon the request of Village Council, Staff and the Planning Commission reviewed the data since Chapter 882 was enacted in 2017 and Section 1262.08(e)(7) was enacted in 2019 related to transient guest lodging permit trends and tax collections; and

**Whereas**, Village Council has determined that it would be in the best interest of the Village to distinguish between the Conditional Use Permit for Planning Commission purposes with an additional requirement of an annual registration for tax purposes by amending Chapter 882; and

**Whereas**, the Planning Commission met April 13, 2021 and voted to recommend an additional amendment to Section 1262.08(E)(7) of the Codified Ordinances imposing additional special requirements on applicants for new conditional use permits for transient guest lodging;

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO  
HEREBY ORDAINS THAT:**

**Section 1.** Section 1262.08(e)(7) of the Codified Ordinances of the Village of Yellow Springs, Ohio is amended to read as set forth in Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herein.

Section 2. This ordinance shall take effect and be in full force on the 30<sup>th</sup> day following passage.

\_\_\_\_\_  
Brian Housh, President of Council

Passed: 5-3-2021

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL**

Housh \_\_Y\_\_

MacQueen \_\_Y\_\_

Stokes \_\_Y\_\_

Kreeger \_\_Y\_\_      Curliss \_\_Y\_\_



## CHAPTER 1262 - CONDITIONAL USE - SPECIFIC REQUIREMENTS

### 1262.08 (e) (7) Transient guest lodging.

A. Permit. Upon approval of the conditional use, the owner or operator shall submit to the Zoning Administrator a transient guest lodging application with the applicable fee. This application includes the contact information for the owner or operator and, if applicable, the property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the transient guest lodging property or tenants. Upon the Zoning Administrator's review of the permit, the Zoning Administrator shall provide a copy to the Finance Director and the owner or operator shall thereafter comply with all provisions of Chapter 882 of the Village Codified Ordinances with respect to lodging excise tax and registration. For non-operator occupied permits, the Zoning Administrator shall also send a copy to the Greene County Auditor.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood, including affordable housing concerns. A transient guest lodging unit may be located in a dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit, but no more than one Transient Guest Lodging permit shall be granted per property or per owner.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements. If the transient guest lodging is located in an accessory dwelling unit (ADU), no more than two adults shall occupy the accessory dwelling unit.

D. Utilities. The transient guest lodging unit shall share all public utilities (water /sewer/electric) with the principal dwelling unit. Transient guest lodging units will not be separately metered.

E. Parking. A minimum of one off-street parking space per two adult guests shall be provided on the lot for the transient guest lodging unit in addition to the off-street parking spaces required for the principal dwelling unit.

F. Ingress/egress. No new access points or driveways shall be created or installed for access to the transient guest lodging unit.

G. Transient guest lodging applications permits are non-transferable. A change in the ownership of the property, or if the ~~application~~ permit was submitted under a tenant's name and the tenant no longer resides at ~~this~~ that address, will void the ~~application~~ permit.

H. If the applicant is not the property owner, a letter from the property owner agreeing to the use of their dwelling for transient guest lodging is required.

I. An inspection by the Miami Township Fire and Rescue for the installation of smoke and carbon monoxide detectors must accompany the application for transient guest lodging. The detectors will be inspected by MTFR annually.

J. The applicant must obtain a letter of good standing from the Finance Department with respect to income tax and utility payments to submit with the conditional use permit application and maintain good standing thereafter.

K. If the annual registration under Chapter 882 of the Code is revoked, the Village may also revoke the conditional use permit under Section 1262.06 of this Code; if so, the Planning Commission shall deny any other conditional use applications pertaining to the same owner, operator or property for a three-year period from the date of such revocation.

L. Lodging Establishments include hotels, motels, bed & breakfast/inns and boarding houses, which have their own specific requirements in the Zoning Code under other sections of Section 1262.08 for obtaining conditional use permits. Cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner occupied residences are subject to the requirements of this section. An owner may subsequently apply to the Planning Commission to convert an establishment which is subject to this Section to become a hotel, motel, bed and breakfast/inn or boarding/rooming/lodging house if the lodging establishment meets the criteria set forth in the Code, subject to the applicable Code sections.

M. If an owner or occupant does not provide proof to the Zoning Administrator that the property is the owner or occupant's primary residence, the Zoning Administrator shall deny the application for conditional use permit and it shall not be considered by the Planning Commission. The Zoning Administrator shall submit an annual summary of the current number and ratio of operator and non-operator occupied transient guest lodging permits for review by Planning Commission and Village Council to determine if adjustments should be made to permit allowances in line with affordable housing policies and Village Values, taking into consideration new housing, Census and other data.