



Planning Commission

City Building

City of Sandusky, Ohio 44870

**March 8th, 2017
1ST FLOOR CONFERENCE ROOM
4:30 P.M.**

AGENDA

SPECIAL WORK SESSION TO REVIEW THE FOLLOWING:

1. Discussion for Ordinance amendments to Sections 1129.06, 1133.04, 1133.05, 1133.06, 1137.03, 1137.04, 1151.08

NEXT MEETING: March 22, 2017

**Please notify staff at least 2 days in advance of the meeting if you cannot attend.
Thank you.**

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

PLANNING COMMISSION REPORT

Ordinance amendments to Sections 1129.06, 1133.04,
1133.05, 1133.06, 1137.03, 1137.04
1151.08

Reference Number: PC-02-17

Date of Report: February 28th, 2017

Report Author: Casey Sparks, Assistant Planner



City of Sandusky, Ohio Planning Commission Report

BACKGROUND INFORMATION

The City of Sandusky has submitted the following application, below is the information that is relevant to this application:

Applicant: City of Sandusky
222 Meigs Street
Sandusky, Ohio 44870

Applicable Plans & Regulations: City of Sandusky Comprehensive Plan
Sandusky Zoning Code
Section 1129.06
Section 1133.04
Section 1133.05
Section 1133.06
Section 1137.03
Section 1137.04
Section 1151.08

DESCRIPTION

The City has received an increased number of complaints regarding the topic of transient rental and how it specifically impacts our residential zoned areas. Staff has received an influx of calls, voicemails, letters, and office visits regarding this issue. The complaints received come from both sides of the issue. Staff has received requests to allow transient rentals within the residential districts and many requesting to enforce current regulations prohibiting this use within our residential districts. The City Code currently prohibits transient rental (occupancy).

As you are aware, through the years of 2011-2013, a great deal of time and City dollars were spent addressing this issue. Current staff members have met with concerned residents and commissioners regarding this issue. On February 15th, Staff held a second public meeting to discuss with residents some possible options for regulating this use.

At this time, City Staff is proposing to amend sections of the Zoning Code. The purpose of the amendments are: to include a definition of transient occupancy, list “transient

occupancy” as a permitted use within the Business and Commercial districts, where it is already permitted, create a definition of Transient Occupancy Overlay District, create a method for approving a Transient Occupancy Overlay District, and further define what is accepted to certify legal nonconforming status for this particular use.

Below is a summary of the proposed zoning amendments that staff believes will help regulate this use. **Separate from the below proposed zoning amendments, the City will be proposing legislation regarding registration, inspection, enforcement and taxation. These items do not fall under the purview of Planning Commission and will be forwarded directly to City Commission.**

Summary:

It is the recommendation of Planning Staff and the Law Department that the existing definition of transient occupancy should be changed to narrow the number of days that define a transient use. Planning staff is also proposing a method for Planning Commission and City Commission to approve an overlay district for transient occupancy. This overlay district would be initiated by either Planning Commission or City Commission and would be adopted for specific geographic areas, with the intent to spur investment in a declining area, increase property values and maintenance of homes that are in close proximity to commercial or retail areas. The proposed amendments also amend the business and commercial districts to more clearly indicate transient occupancy as a permitted use within the districts it is already permitted.. To date, transient occupancy is permitted, through the definition of motel/hotel, etc., within the General Business, Downtown Business, Roadside Business, Commercial Recreation and Commercial Amusement.. Planning Staff is also proposing an amendment to further clarify what documentation is required to certify a legal nonconforming transient occupancy use..

Below are the proposed amendments, as they would appear in the Zoning Code. Red text is new and text proposed for deletion is struck out.

Item for Consideration: Amending Sections 1129.06, 1133.04, 1133.05, 1133.06, 1137.03, 1137.04, 1151.08

1107.01 DEFINITIONS

1107.01 (g)(12) ~~“Transient occupancy” means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.~~(Casey to add and strike out)

1107.01 DEFINITIONS(g) (12) "Transient occupancy" means occupancy when it is the intention of a party to occupy a dwelling unit for a period of less than 30 days.

1129.06 ACCESSORY USES.

(f) ~~Agricultural Uses. The raising for use or sale of fruits, vegetables or nursery stock and the keeping of dogs are permitted in residential districts, provided that more than 4 dogs more than 3 months old may be kept only in structures or enclosures not less than 50 feet from any adjoining residential lot and on a lot not less than 12,000 square feet in area.~~

(f) **Transient Occupancy Overlay District:** The renting from a resident family to other individuals for the purposes of transient occupancy is permitted within an approved transient occupancy overlay districts.

1. Establishment of a Transient Overlay District

(a) Initiation of Change:

Whenever deemed appropriate and in the interest of the general welfare of the city, the City Commission or Planning Commission may initiate a Transient Overlay District. The overlay district shall be created to spur investment in a declining geographic area with the goal of increasing property values and maintenance of homes in areas that are close proximity to commercial and retail areas.

(b) Action of Planning Commission:

The Planning Commission shall hold a public hearing.. The time, place, and purpose of the hearing shall be given by both of the following methods:

1. Publication at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing;
2. A printed notice, not less than ten (10) days prior to the date of the hearing, sent to the owners of all property as shown upon the records of the County Recorder within three hundred (300) feet of the area proposed to be changed.
3. The Planning Commission shall forward their recommendation to the legislative body.

(c) Action by the Legislative Body:

1. After the above recommendation is received, , the City Commission shall set a date for a public hearing. In a newspaper of general circulation in the City, notice of the time and place of the meeting shall be given at least (30) days prior to the meeting. During the thirty (30) day period, the text or copy of the text of the ordinance, map of the proposed district boundaries and report submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk of the Planning Commission.
2. After the hearing, the legislative body may approve in whole or in part by majority vote of its entire membership the recommendation submitted by the Planning Commission. The legislative body may disapprove or modify the recommendations by Planning Commission by a vote of not less than three- fourths of its entire membership.

(g) The raising for the use or sale of fruits, vegetables or nursery stock, and the keeping of dogs are permitted in residential districts, provided, that more than 4 dogs more than 3 months old may be kept only in structures or enclosures not less than 50 feet from any adjoining residential lot, and on a lot not less than 12,000 square feet in area.

1133.05 PERMITTED BUILDINGS AND USES; ROADSIDE BUSINESS DISTRICT.

(a) Main Buildings and Uses.

(1) All stores, services, dwellings, and other uses permitted in Local Business Districts;

(2) Additional retail business stores and services conducted wholly within enclosed buildings, or adjoining and operated in connection with an establishment in an enclosed building to the following extent:

A. The sale and serving of all beverages, and eating places of all types permitting dancing and live entertainment. Conditional use permits shall be obtained by places selling or serving alcoholic beverages, and by all drive-in establishments;

B. Motels, hotels; fraternal and social clubs, and labor union halls;

C. Automotive services, repair or service garages, and buildings for the sale of new and second-hand motor vehicles. The parking of vehicles with or without a fee, the sale of gasoline and oil, and the sale of motor vehicles may be permitted on an open lot, providing all requirements for front yards in the Business District as set forth in the Zoning Code are met;

D. The sale of boats and other marine supplies; motorcycles, bicycle shops; sports and athletic equipment; pet shops;

E. Amusement and recreational services, such as assembly and meeting halls, billiard halls, bowling alleys, dance halls, indoor theaters, skating rinks, and other social, sports, or recreation establishments, provided the services are conducted within a building, sufficiently sound-insulated to confine the noise to the premises;

F. Nursery stock, monuments, garden equipment, supplies, and garden furniture may be sold on an open lot, provided the operation is in connection with an established related business conducted within a building not more than 150 feet therefrom, and provided goods are not sold, displayed, or stored in a required yard;

(3) Microbrewery.

(4) **Transient Occupancy**

1133.06 PERMITTED BUILDINGS AND USES; GENERAL BUSINESS DISTRICT.

(a) Main Buildings and Uses.

(1) All stores, services, dwellings, and other uses permitted in Roadside Business Districts;

(2) Additional retail business stores and services conducted wholly within enclosed buildings, and devoted to supplying all community needs to the following extent:

A. The sale of all food; frozen food lockers; state liquor stores;

- B. The sale of general merchandise; dry goods, wearing apparel, shoes, hats, variety, and department stores;
- C. The sale of all hardware, appliances, china, furniture, floor and wall covering, business equipment, music, radios and televisions, provided no loudspeakers broadcast onto the street;
- D. Shops for custom work, and all personal service establishments without limitation on the number of persons engaged in work, provided the services rendered and articles produced are to be sold only at retail, and only on the premises;
- E. Photographic developing, blueprinting, letter and small job printing shops, medical and dental laboratories, radio and television broadcasting stations, transmittal towers, telephone exchanges, and transformer stations;
- F. Railroad and bus passenger stations, taxi stations;
- G. Offices such as banks, travel bureaus, public utility, insurance, and all types of business and professional offices;
- H. Wholesale offices and showrooms.

(3) Transient Occupancy

1133.08 PERMITTED BUILDINGS AND USES; DOWNTOWN BUSINESS DISTRICT.

- (a) Main Buildings and Uses.
 - (1) Single, two and multi-family residential uses above the first floor.
 - (2) All stores and services permitted in the General Business District;
 - (3) Public uses as follows and as defined in Section 1123.02: governmental, civic, education, religious, recreational and transportation.

(4) Transient Occupancy

1137.03 PERMITTED BUILDINGS AND USES, COMMERCIAL RECREATION DISTRICTS.

- (a) Main Buildings and Uses.
 - (1) One- and two-family dwellings, boathouses, motels;
 - (2) The following amusement establishments, whether open or enclosed:
 - A. Beaches and swimming pools, with accessory bath houses and locker rooms;
 - B. Manufacturing, rental, repair, and storage of boats, marinas; sale of live bait for fishing;
 - C. Hunting and fishing clubs, shooting ranges;
 - D. Arenas, auditoriums;
 - E. Golf courses, driving ranges;
 - F. Riding academies, stables, race tracks;
 - G. Assembly and meeting halls, bowling alleys, dance halls, skating rinks.
 - H. All retail stores, services and offices as permitted in General Business Districts.
- (b) Similar Main Uses. Any other recreational use not listed above or in any other use classification, and if determined as similar by the commission.

I. Transient Occupancy

1137.04 PERMITTED BUILDINGS AND USES, COMMERCIAL AMUSEMENT DISTRICT.

(a) Main Buildings and Uses.

(1) All buildings and uses permitted in and as regulated in Commercial Recreation Districts; provided, however, that no residential units shall be constructed or maintained except as may be clearly secondary or incidental to the principal uses contemplated and permitted under this section;

(2) The following amusement establishments, whether open or enclosed:

A. Ferris wheels, roller coasters, whips, merry-go-rounds, and other similar open midway attractions;

B. Freak shows, wax museums, dodgem scooters, and other semi- enclosed or enclosed midway attractions;

C. Open booths with games of skill or chance, including shooting galleries, penny arcades;

D. Public dance halls, skating rinks, indoor theaters;

(3) The following businesses and services, open or enclosed:

A. Hotels, motels, taverns, eating places; the sale, serving, and consumption of soft drinks and alcoholic beverages;

B. The sale of foods, drugs, gifts, sports equipment.

(4) Transient Occupancy

1151.08 CERTIFICATES OF NONCONFORMITY.

(a) (1) The Division of Planning shall issue a certificate of nonconformity for legally nonconforming uses and structures if the nonconformity is included in an inventory of nonconformities created by the City or upon application by the owner, if the owner can document in detail the extent of nonconforming land uses, structures, signs, and/or lots or parcels at the time the nonconformity was established.

(2) The inventory of nonconformities shall contain the detailed information that must be contained in a certificate. If there is no inventory, an owner of a nonconformity can obtain a certificate if he or she can establish the extent and nature of the nonconformity at the time it was established. The nonconformity must be in existence at the time the relevant ordinance(s) were adopted or amended. A nonconformity can be established through photographs, maps and drawings, and written statements describing the nonconforming use at the time it became nonconforming. **In the case of a transient occupancy use, annual nonconformity must be proven through the following methods: documentation of a previous tax bill showing income from the property providing transient occupancy, or signed contracts indicating the dates in which the transient occupancy use occurred.**

(b) A certificate of nonconformity shall describe the nonconforming land uses, structures, signs, and/or lots or parcels in sufficient detail so that a reasonable person can determine how the nonconformity is not in compliance with present or previous land development regulations. A map with drawings, with the location, height and size of structures and signs, and the area of the nonconformity shall be attached to the certificate.

(c) The City may rely on the description and/or map of a nonconformity in a certificate of nonconformity in determining whether a nonconformity has been discontinued, destroyed, changed or expanded.

(d) A Certificate of Nonconformity shall not entitle a property owner the re-establishment of a nonconforming use or reconstruction of a nonconforming structure. However, it shall serve as a base line record of the nonconformity when a property owner is requesting to reconstruct or re-establish a nonconformity.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff recommends that Planning Commission recommend the proposed amendments to City Commission.