

RESOLUTION NO. 022-23R

A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE CREATION, ESTABLISHMENT, OR EXPANSION OF TRANSIENT OCCUPANCY OVERLAY DISTRICTS AND AMENDMENTS TO THE ZONING CODE FOR A CHANGE IN USE TO TRANSIENT OCCUPANCY WITHIN THE CITY OF SANDUSKY, OHIO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky has created Transient Occupancy Overlay Districts as an accessory use in the Sandusky Zoning Code for the purpose of transient occupancy; and

WHEREAS, the City of Sandusky currently has one Transient Occupancy Overlay District that allows as an accessory use transient occupancy within the boundaries of that district as defined by the zoning map of the City of Sandusky; and

WHEREAS, the City of Sandusky has established a procedure for the creation or establishment of additional Transient Occupancy Overlay Districts in Sandusky City Code Section 1129.06(g); and

WHEREAS, the City Commission is concerned with the potential for transient occupancy to increase long-term rental rates and resale prices for existing and future residents of the City and seeks to find a balance between redevelopment of and investment in existing properties and maintaining affordable housing; and

WHEREAS, the City of Sandusky City Commission ("City Commission") requires time to thoroughly vet all options available to the City to address the use of property for transient occupancy and the use of Transient Occupancy Overlay Districts prior to considering any further expansion of the existing Transient Occupancy Overlay District or the establishment of new Transient Occupancy Overlay Districts; and

WHEREAS, the City Commission requested by motion at the March 27, 2023 City Commission meeting that legislation be prepared to enact a temporary moratorium on the creation, establishment, or expansion of Transient Occupancy Overlay Districts under Sandusky Code 1129.06 and to thoroughly vet the options for regulating transient occupancy and overlay districts with the Sandusky Planning Commission and City Commission; and

WHEREAS, this Resolution should be passed under suspension of the rules in accordance with Section 13 of the City Charter in order to preserve the current state of Transient Occupancy Overlay Districts and provide clear rules and regulations for property owners while the City of Sandusky considers options for regulating transient occupancy and the use of Transient Occupancy Overlay Districts within the City of Sandusky; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community

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Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. That the City Commission of the City of Sandusky, Ohio, hereby imposes a Moratorium on the creation, establishment, or expansion of Transient Occupancy Overlay Distircts under Sandusky Codified Ordinance Section 1129.06 within the City of Sandusky, and a Moratorium on amendments to the zoning code or map under Sandusky Codified Ordinance Section 1113 for a change in use to transient occupancy, said Moratoria to include the submission, consideration, or approval of all applications for special permits, use permits, building permits, any plans, or any other applications or permits which are or may be filed for permits from the Planning or Zoning Departments for the creation, establishment, or expansion of Transient Occupancy Overlay Districts or for rezoning any property for the purpose of transient occupancy.

Section 2. That this Moratorium shall become effective at the earliest time allowed by law and shall remain in effect for eighteen (18) months following the date upon which it became effective and, thereafter, upon a majority vote of the City Commission, may be continued in effect, if the City Commission finds such continuance is required to allow sufficient time for the Planning Commission or the Department of Community Development to complete its research and recommendation of what action, if any, the City of Sandusky should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to transient occupancy and Transient Occupancy Overlay Districts or the Moratorium may be continued for additional time if the City Commission so chooses in order for the City Commission to make its decision whether or not to adopt legislation regarding transient occupancy and Transient Occupancy Overlay Districts.

Section 3. That this Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission, or any other official or official body, of the City of Sandusky is required to take action upon an application for a special permit, use permit, building permit or site plan approval, or the like, for the creation, establishment, or expansion of Transient Occupancy Overlay Districts or for rezoning any property for the purpose of transient occupancy that is or may be pending before the Planning Commission, or any other official or official body of the City of Sandusky after the effective date of this Moratorium; and that no such application shall be deemed to be approved by the failure of the Planning

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Commission, or any other official or official body to approve or deny said application during the time when this Moratorium shall be in effect.

Section 4. That the Department of Community Development, is hereby directed to begin researching and return to the Planning Commission recommendations the City of Sandusky should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to transient occupancy and Transient Occupancy Overlay Districts, this recommendation will be prepared and provided to the Planning Commission for review and subsequent recommendation to the City Commission.

Section 5. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 7. That for the reasons set forth in the preamble hereto, this Resolution shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: May 8, 2023 (effective after 30 days)