

Minutes of VERMILION MUNICIPAL PLANNING COMMISSION
of June 2, 2021 @ 7:00 pm

PRESENT: Heather Shirley, Jim Chapple, Joe Williams, Heidi Strickler, Jeff Hammerschmidt

In ATTENDANCE: Bill DiFucci, Building Inspector; Barb Brady, Council Representative; Chris Howard, City Engineer; Jim Forthofer, Mayor

Call to Order:

Joe Williams, Chairman called the Wednesday, June 2, 2021 meeting to order.

Approval of Minutes:

J. Chapple MOVED; H. Strickler seconded to approve the minutes of the May 5, 2021 meeting. Roll Call Vote 5 YEAS. MOTION CARRIED.

New Business:

Kody Herchler - Property Location: 1440 Claus Road - Parcel #:0100021000061 (Hardship Legislation 1240.02)

Kody Herchler of 14819 Darrow Road explained he purchased a barn from James Norheim on Claus Road that is 6,000 square feet. The barn was in their family for years and used as a Dairy Farm. He said initially they were going to build on it but decided to turn it into a wedding venue. He provided the board members with a plan and a sketch. He was told this would be a mixed use when they turn a residential property into commercial.

G. Fisher explained this requires hardship legislation (1240.02), which needs a recommendation from Planning Commission to City Council.

J. Williams asked why this is a hardship. B. DiFucci explained the property is zoned residential and the proposed use of the property is not on a permitted use list, so it requires Planning Commission approval as a hardship legislation meaning he is using the property for something other than what it is currently zoned to be. G. Fisher said once Planning recommends the hardship legislation to City Council, then she would schedule a Public Hearing.

J. Chapple asked what was on each side of the property. K. Herchler said north of the property is a vacant house and to the south an older couple lives there, and to the east there is 90 acres of farm field, and to the west it backs to Norheim's farm on Sunnyside Road. J. Williams asked if he approached all the neighbors in the vicinity to discuss the proposal with them. K. Herchler said he has not been able to get in touch with the older couple to the south.

H. Shirley asked if this would be a full wedding venue where they serve food. K. Herchler said they will not serve food or alcohol as they will just host the space. The people renting the facility will be

responsible for renting tables, chairs, linens, and getting a caterer. They will target local establishments such as German's Villa, Huggy's, Heidelberg in terms of catering.

J. Chapple asked how many people the wedding venue will hold. K. Herchler stated the architect said that if the barn is 6,000 sq. ft., then it would hold 300 people. They will corner one section of the barn off for restrooms and a bride and groom's quarter, and storage for tables. There are haylofts all the way through on both sides and it will be only for rustic appeal and everything will be on the first floor.

J. Williams asked if there were enough parking spaces. K. Herchler said there is a driveway and a concrete patio out back. He showed proposed parking to the east on his sketch. They will have handicap parking available near the barn. J. Williams asked how many spaces they will provide and is it unpaved or paved. K. Herchler said it is gravel and grass currently, but the parking is in the very beginning stages.

H. Strickler said the Planning Commission is just recommending to Council to rezone for hardship, but it will require a Public Hearing and the owners within 300' ft. would be notified. B. DiFucci explained they will have stamped drawings from the architect so the building plans can be approved, and then any improvements to the property would have to go through the Planning Commission, which includes parking.

J. Hammerschmidt asked if they would be required to have site drainage and runoff. B. DiFucci said this would be reviewed by the City Engineer.

B. Brady asked if they had enough width for buffering. B. DiFucci explained they are not rezoning the property but using the property for something other than what it is zoned for, so buffering requirements do not come into play because this will still be zoned R-1 but will be used for something other than what R-1 is allowed. Buffering would come into play if this were zoned B-3 for example. K. Herchler said they are looking to put shrubbery around the property to help keep the noise levels down, but they will still abide by the city's noise requirements.

J. Chapple MOVED; H. Shirley seconded to recommend the hardship legislation (1240.02) to City Council. Roll Call Vote 5 YEAS. MOTION CARRIED.

Great Lakes Startall II, LLC – Property Location – 2815 Liberty Avenue, PP#: 0100005104066 (Site Plan Approval)

Alex Etchill, Engineer with Contractors Design Engineering, and the property owner (inaudible) were present to explain they received preliminary approval on their site plan and not much has changed. They moved the diesel fuel station as it was close to the property line on the east side, so they moved it behind the building. The building side increased some to accommodate more food service inside, but the basic design is pretty much the same that was approved during the preliminary. They added some parking on the west side because they were a little light on their parking spaces. They will have a detention basin up front to handle the storm drainage. They added a curb to the east side so it is the natural flow of the drain and it will stop the water from draining onto the neighbors.

City Engineer, Chris Howard reviewed his comments by noting the front 450' off of Liberty Avenue is zoned B-3 Highway Commercial District. The remainder of the parcel is zoned R-3 Suburban Residence District. The proposed Convenience Store and Gas Station is a permitted use in the B-3 zoning. The

applicant needs to show the zoning line for both districts. A. Etchill said the zoning lines are approximately 123' south where their southern parking improvement line is, and they will show this.

C. Howard said according to B-3 Highway Commercial District Section 1270.13 (e) (2) – within the front yard and adjacent to the street right-of-way line there shall be an open and unobstructed buffer strip of twenty feet in depth. Except for accessways permitted herein, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle Ingress or Egress and shall be continuous for the entire width of the lot adjoining the street or highway right-of-way line. He said the Planning Commission has the opportunity to waive this buffer. A. Etchill said another engineer comment was to have a curb around the detention basin area – basically from right-of way to right-of-way and this would be to protect the vehicular ingress/egress from driving into the basin. He said it will look like grass as it is dry detention basin, so aesthetics will be nice there. J. Williams asked if the existing utilities are free and clear of this. A. Etchill said as far as he knows as it is outside of the right-of-way, so if they are not, then they would need an easement to get through there. C. Howard said all of the city utilities are within the right-of-way.

C. Howard said they need to see a boundary survey. A. Etchill said their office will produce this. C. Howard said they need to label the right-of-way along Liberty Avenue on the plans. Additionally, a sidewalk along Liberty Avenue needs to be provided. A. Etchill said there seems to be disconnect because they cannot do improvements on the neighbor's property to the west, and it involves 14'.

C. Howard advised them to check the parking requirements as they need to account for employee parking. A. Etchill asked if they should count the fuel stations as spaces as it seems to be a grey area. C. Howard agreed it is a grey area as the code does not address parking for fuel stations. C. Howard asked if the intent was to have a drive-thru for food service or just for the convenience store. The property owner said the drive-thru will only be used for the convenience store. The food service will be walk-in only. C. Howard said they may want to show stacking of vehicles. The code does not say anything about stacking, but he believed they would want to provide four or five cars for stacking. He said it appears there are approximately five (5) parking spaces on the subject property, for the parcel to the west (Vermilion Farm Market). Are these parking spaces to remain? A. Etchill said they have been using them for awhile and it is sort of a private matter, but he is thinking about possibly connecting those into his property in case someone wants to visit the Farm Market.

C. Howard recommended a 6" curb to be installed at the center island around the detention basin to protect people from driving into the basin. He also recommended that the east curb line be a 6" curb, in lieu of a 4" rolled curb. Extend the curb line to the right-of-way, tapering it down within 18". A. Etchill said they will make this change.

C. Howard asked them to provide some additional grades along the west parking area. He also asked them to check their grades around the proposed building. The southwest corner top of the curb and gutter elevation is higher than the proposed finished floor. A. Etchill said he will work this out with the architect to make sure they are good with this.

C. Howard said they need to provide detail for the dumpster enclosure. A chain link fence is not permitted. A. Etchill said they will address this.

C. Howard asked them to provide some auto turn exhibits showing truck ingress/egress for each drive access in relation to existing lanes on Liberty Avenue. A. Etchill said there was a separate sheet for this, so he will provide a copy to the city engineer.

C. Howard said the improvement plans and Stormwater Management Calculations are still being reviewed and comments will be provided under a separate letter. He asked them to meet the code for critical storm requirements.

J. Williams asked if 18-wheelers would be getting fuel. The property owner said the traffic will be more local, but there may be some. He said he is in trucking industry and he would never drive three or four miles off the highway to get fuel because time is money. J. Williams asked if he was anticipating this type of volume where they will get stacking of trucking. The property owner said it will be more contractors. B. Brady asked if they would provide showers and overnight parking. The property owner said there will be no showers and there may only be local people staying, but they will not have stacks of trucks.

Mayor Forthofer said from looking at the drawing will the truck repair facility in the back remain? The property owner said they will be gone. Mayor Forthofer asked if there would be a sidewalk. A. Etchill said there would be a sidewalk.

C. Howard asked if they had any updated elevation views that change from what they submitted before. A. Etchill said the building was approved. C. Howard said it still has to go through building review, but he was wondering for Planning Commission purposes if the elevation view will change. A. Etchill said it has not changed since the submission to Planning.

B. Brady asked if seating would be provided for food service. The property owner noted there would be no seating, just a counter. B. Brady asked if there was going to be a food chain or is the food something they are doing on their own. The property owner said they are looking at a chain – possibly fried chicken or Subway – more likely a chain.

H. Strickler noted there was a lot of items that need to be addressed per the city engineer's comments and the Planning Commission usually passes the site plan based on a contingency, but the city engineer has not even looked at the drainage. Will this need to come back before Planning? C. Howard said if the stormwater gets bigger then they will need to move their building a little bit, but it depends on the requirements meeting the critical storm. H. Strickler said she does not want to make them resubmit and pay another \$1,500, but there are some significant items that need to be addressed. She asked if they should table this issue. J. Chapple said some of the issues are pretty major so he would agree. G. Fisher said the next meeting is July 7. H. Shirley asked the applicant how much time it would take them to address the engineer's comments. A. Etchill said if he would have received the comments earlier, then he could have probably done them within a day. He did not think the overall plan would change – it is just meeting the engineering requirements. J. Williams said if they would need to move the building to meet the drainage and if Planning approves the site plan today based on their comments, would this toss the application out and would they be required to resubmit. C. Howard said they will need to address the comments and if the stormwater gets bigger, than they will need to revise the site plan and grading plan. A. Etchill said every comment the engineer has will change something on their plans, but they will need to see whether it is substantial enough to throw it back to the Planning Commission. H. Shirley asked if the engineer would need to bring this back to Planning if the size changes. C. Howard said the building would just get moved further back – it will not get any closer to the right-of-way. J. Williams asked if

they had to move everything back would it encroach on the R-3 zoning. A. Etchill said no as they have 123' to work with.

H. Shirley MOVED; H. Strickler seconded to approve the site plan contingent upon the applicant completing and submitting all the requirements stipulated by the City Engineer, and to waive the 20' buffer strip requirements. Roll Call Vote 5 YEAS. MOTION CARRIED.

Review of Ordinances 2021-29 and 2021-30 for Recommendation to Vermilion City Council:

J. Williams noted the Planning Commission members reviewed the ordinances as submitted. He asked the building inspector to give some history of the legislation and why it was required.

B. DiFucci said the initial concept behind the transient rental legislation was to perform inspections inside the structures to make sure they are safe for occupancy. Additionally, discussion followed on whether or not they were permitted in certain zoning districts, so the verbiage has been placed in Ordinance 2021-29 to permit them in the zoning districts within the City.

B. Brady told the members to remember these people are running businesses and businesses in residential zones have to go to the Board of Zoning Appeals for approval. They need to treat these as businesses and not somebody just using their home. A long-term rental becomes your neighbor, but in this case, they could have a different neighbor every day – it changes the whole chemistry so they need to be a little sensitive to the residents in an area, so they are not overwhelmed with strangers.

J. Williams said this ordinance permits transient rentals in all zoning districts. H. Shirley asked what the thought process was behind this – so they could potentially have it in a zone that is not a residential zone. B. Brady said this was a question she asked because why are they allowing transient rentals in areas they do not have residency and the attorney said this was an accurate question, but the use of a true dwelling is defined in the zoning code and it specifically speaks to residential properties, so the city is safe in their version. The attorney felt that even if they are including industrial zones where there are no residences and because they are calling it a dwelling, then the City is okay to do this. J. Hammerschmidt said this does not make sense to him. The remainder of the board agreed. B. DiFucci explained there are non-conforming uses in zoning districts, so they are denying a non-conforming residence in an industrial zoned area the ability to be a transient rental. H. Strickler asked what a concrete example would be for a certain area. What would be an area affected by this? B. Brady said the B-3 zoning district does not have residential and there was a time when Gerstacker wanted to put in an apartment above his business, which was non-conforming, now if he made that a residence, he could make it a transient rental. B. DiFucci said there are certain zoning districts where residential uses are not permitted, so they could build a new structure – but if there has been a structure that has been maintained as a residential structure – they have quite a few in the B-3 zoning district and they can remain, so he thinks if the B-3 was not excluded or the Industrial, then it was to maintain those non-conforming uses. B. Brady said Planning Commission can always make a recommendation to City Council to pull those districts if they are not comfortable with them. H. Shirley agreed Planning needs to make a recommendation on the zoning piece and the definitions, although, she has lots of questions on the transient legislation. B. Brady said she would love to hear what they have to say because this is something Council has been discussing for a long time.

J. Williams said he has a lot of questions about the transient legislation as well, and he questioned the limit on how big one of these facilities could be. B. DiFucci said there is no limit. J. Williams said basically it could be a hotel and call it a transient rental. B. DiFucci said by definition there is a bedroom count, and it would exceed once you go over four rooms as it turns into a hotel/motel situation. He said transient rental by definition is for a period of thirty (30) days consecutive calendar days or less. J. Hammerschmidt asked who would be keeping track of this – your thirty (30 days) can easily be 120 days. In his opinion, there needs to be greater limits than this broad piece of paper. B. DiFucci said they have a business helping the building department to locate these short-term rentals so they can get in and do a safety inspection to make sure they are safe, so the building department is tasked with this, but they have additional resources to help them locate these places to make sure they are registered.

B. Brady said once this legislation is approved, homeowners will need to apply for a permit, and they will post something saying they are a transient rental. If you are a neighbor and you have problems with encroachment or big parties, they now have a way to stop it. They can take away their permit and stop allowing them to use the property as a transient rental property. Right now, they are running into some problems in an apartment building over on Edgewater which is a six-plex, and she is renting all those rooms as transient rentals and it is chaos.

H. Shirley asked who will determine the maximum occupancy – is it determined upfront because the ordinance says on a case-by-case basis, but it seems general to her. For instance, if she were to rent a condo in Florida it generally says a maximum occupancy and she knows this upfront. B. DiFucci said there is not an occupant load denoted for residential structures, so a case-by-case basis is the building department going in and looking to see how many beds are crammed in each room and noting if they can or cannot get out a window if a fire started. They will not count heads or toes, but merely the beds and the egress. H. Shirley asked if the inspections will be performed once they obtain a permit and then not done thereafter unless there is an issue. B. DiFucci said they will go back. J. Chapple asked how long the permit is good for. B. DiFucci said the permit is good once a year. H. Shirley said this seems to be an enormous amount of workload on the building department and she understands they have another company that will help, but is this realistic or feasible? B. DiFucci said Vermilion is a tourist town, so he does not know what they are going to find as far as a number's standpoint, but they will do what they need to do to make sure the places are safe.

J. Williams asked if this legislation was modeled after Sandusky. G. Fisher concurred. J. Williams asked if anyone from the city has spoke to the City of Sandusky on how this legislation works there. B. DiFucci said he has not spoken with Sandusky.

H. Strickler said if someone in Linwood rents their cottage for the entire summer this would not be permitted under this legislation – or would it? B. DiFucci said if they rent to one person over the entire summer then it is considered long-term rental and not transient.

B. Brady said currently the legislation addresses a transient rental as thirty (30) days or less, so they may need to shorten this. H. Shirley asked if they have to follow the definition in the Ohio Revised Code which is thirty (30) days or less. B. Brady said then they are making some long-term rentals transients. They do not have inspections for long-term rentals at this point. J. Hammerschmidt thought the city should address all rentals. B. Brady said they will probably address this down the road.

H. Shirley asked why the owner has to live within one-hour of the rental. B. Brady said it is either the owner or their representative. The owner has to designate someone who is local. H. Shirley said there were two notations in the ordinance as one speaks about the local representative and one says they have to live within an hour, so it seems confusing and thought it should be combined in one area, so it is clearer. J. Hammerschmidt asked who the attorney is who worked on this legislation. G. Fisher said she prepared it along with administrative staff and the attorney reviewed all pieces of the legislation. B. Brady said Council has tweaked the ordinance over and over. H. Shirley said defining what local could be is a good idea.

J. Williams asked if they were going to address parking for certain areas of use. B. DiFucci said they are not going to address the parking as the building department cannot regulate off-street parking. This is enforced by the Police Department. He said there is no way they can be tasked on the parking for each house. G. Fisher said parking is address in the code currently.

J. Williams addressed a letter submitted by Homer Taft of 3972 Edgewater Drive that all members read. He asked the clerk to enter the letter into the official minutes as attached hereto.

Homer Taft of 3972 Edgewater apologized for writing such a long letter as he was advised after he wrote it that Ordinance 2021-28 was not referred to the Planning Commission, but he was glad they talked about it and noted some things because he feels this legislation has been really badly handled and really poorly drafted. He said this has been reviewed for over a year and he thinks most of this started over the bed tax because they did not think they were getting income tax, which they are. There are two things Planning has to recommend back to Council and that is Ordinance 29 & 30. Unless they are planning on changing the Road to Hope and the transient housing or unless they are changing the insurance yard – so called junk yard into modular units somewhere – he does not think there is any industrial zones in the city that contain residences that he has seen. He does not understand why industrial zones are in the ordinance and this is within Planning's recommendation. He believes businesses should be involved – for example, there may be second stories of those units that are appropriate to be residences or mixed use and it might make sense under some circumstances, so if you allow this in the ordinance it seems to make sense to him. The other thing in 2021-30 that is addressed a little bit but not enough – in his view if somebody rents one week a year because they are going to be out of town at an Airbnb, then this is a lot different then if somebody is renting a business and renting it week by week, day by day, or weekend by weekend. The definition of what is transient is going to get them in trouble if they pass it this way. It says thirty (30) days or less and this makes every single property in the city that is rented and that is not rented for a one-year period – a month to month rental – a transient rental, and this means they will have to inspect everyone of those which is probably 500 properties and charge them their fee because they do not have a choice about this at that point. You have to treat the law equally to everyone – it is called equal protection of the law, and you have to make sure those folks get a bed tax and all sorts of other things that has really nothing to do with it. He said they can make the same arguments for safety at least and for a lot of other things when they inspect rental housing, but this is not what this is supposed to be about. Anything over 27 days technically and legally becomes month to month because the month of February is 28 days, and it throws every single month to month rental in this city... under current law it has to be registered with the building department and is not into this law and into the bed tax and into these inspections. He said they cannot treat one owner differently than another as this is discrimination. He thinks Planning Commission needs to talk about these things. He said there were other things that were taken out of the Sandusky ordinance that they should be looking at. He wishes Council would refer Ordinance 2021-28 to Planning and they would take the time to really consult with everybody on this

commission and the community about what it is doing before they do it because otherwise, they will end up like Huron and Sandusky – Sandusky is still in court in some of this stuff. It might be nice to think about doing it right the first time.

H. Strickler asked why Council went with the thirty (30) days rather than 27. B. Brady said the state defines it as thirty (30). She agrees what H. Taft said makes sense as they do not want to throw all rentals in this transient rental ordinance. H. Shirley asked B. DiFucci if this causes more inspections for apartment complexes and other things. B. DiFucci thought the timeline was referred to the legal team and they figure out what transient means whether it is Ohio code or whatever, but this is not his venue. H. Shirley asked if they do inspections on long-term rentals. B. DiFucci said he has a few owners that request the building department to do inspections between tenants for their own protection. It is at their discretion to invite the building department in.

J. Williams asked if there had been a study done on how big of a problem this could end up being. He did not know how many properties in the city were renting short term currently without anyone knowing about it. B. Brady said Erie County has done some research for them on the Airbnb and VRBO sites.

Drew Werley of 5016 Timberview said the city has the ability to find this out. He said the city spent \$4,022 in September of 2020 for the software that scans VRBO and Airbnb, so the city knows, and they have access to where the properties are that are doing short term rentals. He was glad H. Shirley brought up the hour concern because he has brought it up every time he has talked because he thinks it is ridiculous because it does not say live – it says you have to be within an hour, so he cannot go to Toledo or the east side of Cleveland if he is renting out property because he would be outside of an hour.

J. Hammerschmidt said he would like to see the Motorist Service District, I-1 Light Industrial District, and the I-2 Industrial District removed from Ordinance 2021-29 because he does not see why these three districts would be included in his opinion. J. Williams said a couple years ago somebody wanted to live in the industrial district and they said no, but now they are possibly going to let people live in the industrial district on a short-term basis, so he is not sure how the ordinance would address something where a person rents it on 28 days but keeps renewing the rental. So, how would you police that?

H. Strickler said Planning can recommend, but if they do not recommend or accept this, does this prevent City Council from enacting this into legislation. Can Council ignore the recommendation? G. Fisher said it is a recommendation from Planning Commission that City Council will review and then it goes to a Public Hearing and then a third reading, and it will be passed or not passed.

J. Hammerschmidt said he would like to see an attorney that specializes in this area to be present to explain it better. G. Fisher said the members can table this if they want the Mayor to discuss this with the law department to see if they would want to be present. H. Shirley felt they should have a separate meeting to have some good discussion because she was not comfortable making any recommendations. J. Chapple agreed. J. Hammerschmidt said there are a lot of little pieces here and there, but it is not cohesive.

Mayor Forthofer said if Planning would like to schedule a work session to discuss this matter, then he can arrange for somebody from the law department to come answer questions. H. Strickler thought the Legislative Chair should also be present as an additional representative from City Council, so they can share their concerns. G. Fisher said they could invite all members of Council to attend. H. Strickler asked if they can change it to 27 days – does ORC supersede municipalities? She needs to be refreshed on a lot

of issues so a work session would make her feel more comfortable. Mayor Forthofer asked if they did not feel informed enough to make a recommendation back to City Council on their position. H. Strickler said yes because questions that have been addressed may need further answers.

B. Brady said at the last Third Thursday she had five people tell her that houses next to them are being rented as a VRBO and they did not like it and they wanted to know what Council wanted to do about it, so she thinks it is becoming more and more of an issue.

B. DiFucci said Planning Commission should have access to the zoning map because there are residential properties as example in the Industrial districts, such as Nicholson, so if they isolate and shut them out, then they could open up a can of worms. It is beneficial to understand where there are residential structures in each zoning district and the law department needs to take into consideration how they will treat them. J. Williams thought some of these properties were in existence before there was zoning and people come to them and ask for rezoning, and they look at it on a case-by-case basis on who is around it and what impact it will have on traffic and parking, and the Commission can turn them down. This is going to permit people to do it and he is not sure they will come before the Planning Commission anymore. B. DiFucci said they have to look at this because they may deny them to utilize their property in a manner, they are allowing everyone else to utilize theirs.

H. Strickler said she read where the city is going to reexamine the zoning map because there are some areas that need addressed. She asked where the city is in this process. Mayor Forthofer said they are working with the city engineer to prepare a RFQ for engineering firms to help the city through this. He said he also would like a representative from the Planning Commission to be on the Advisory Board.

Homer Taft addressed the 30 days by saying if the law department could direct the city to a statute that says the city must do it, then he would be interested in seeing it because he is an attorney and is certain they will not find it. However, they are a Charter City, and they can pass anything they want to pass. You do not have to follow what the state statute says in any event. He does not believe there is a definition of transient rental that necessarily requires it to be 30 days.

The board asked the clerk to schedule a work session on a different day from the regular meeting date, possibly in August. They asked her to check with the attorney for availability and then try to coordinate a time and date with the Planning Commission members and City Council representatives.

J. Williams adjourned the meeting upon no further discussion.

Next Meeting:

The next meeting has been scheduled for July 7, 2021 at 7:00 p.m. – Vermilion Municipal Complex, 687 Decatur Street

Transcribed by Gwen Fisher, Certified Municipal Clerk.

Homer S. Taft
Attorney at Law
3972 Edgewater Drive
Vermilion, OH 44089
440-333-1333

June 1, 2021

Planning Commission

Overall, I have some reservations with regulating every "transient" rental property in the City differently than other properties, especially if the rental is extremely occasional, such as one week of a year. Vermilion is a "summer town" in "Vacationland". Bringing visitors to our town and encouraging the value and income of property owners, resulting in greater tax return, is important to our community. More regulation, more taxes, and property use restriction tends to suppress the regulated and taxed uses. The overall wisdom of whether to regulate is likely beyond the issue referred to the Commission.

Many of the supposed problems to be protected against by the legislation, however, are more properly dealt with as general property regulation. Raucous parties, after curfew noise and activity, excessive street parking, and other ills complained of are equally a frustration to neighbors of inconsiderate folks who rent month to month, annually, or even are owners. Why do we not regulate improper conduct wherever it occurs?

To the extent however your review is limited to "transient rental", I would suggest the following considerations to improve upon the proposed ordinance:

1. "Transient" definitions include any occupancy of 30 days or less. Anything more than 27 days will include hundreds of residences rented month to month. Should be "less than 28 days"
2. The term "dwelling" should not be used as defined in Chapter 1260 of the Codified Ordinances. Either the term "rental unit" used elsewhere in the draft (not defined in Chapter 1260) should be used or "dwelling unit" should be used and referred to as "rental Dwelling Unit".
3. The ordinance does not as drafted require adequate on property parking for temporary occupants and guests, allowing parking to flood a neighborhood. There should be requirements that no more street parking may occur than the width of the property, if street parking is allowed in a given residential zone.
4. There should be a limit of overnight occupants based upon square footage of the premises and the number of bedrooms.
5. The ordinance does not set adequate limits on the total number of persons to be on the property at any time based upon area of the structure and/or area of the lot. Note: Allowing the Building Department to set such limits on "a case by case basis" is no standard at all and likely unconstitutionally broad and vague, but certainly subject to abuse.

6. The ordinance improperly requires excessive record keeping and retention by the owner, and very likely unconstitutional access by the City to identify of all renters without probable cause
7. The ordinance improperly allows the Building Department to adopt any rules or requirements of rental units and inspections with no meaningful standards
8. The ordinance improperly compels owners upon request to produce all records without probable cause, a constitutional violation
9. Without defining "local", the ordinance requires a "local" contact if the owner does not reside within the City limits.
10. The ordinance unrealistically requires that some person representing property be within 1 hour travel every second the unit is occupied by a tenant, for which there is no sensible cause.
11. The ordinance requires posting a "badge of shame" or targeting at all times on the rental unit
12. The ordinance provides that the permit expires on March 31 of the year it is issued, not the following March 31, which would essentially invalidate every permit

Since 2021-28 and 2021-30 only take on full meaning if 2021-29 is also adopted and it is a zoning ordinance change, none of the ordinances should be passed by emergency

Ordinance 2021-29 would allow "transient rental" use in Industrial (I-1, I-2) districts. Allowing rental use in appropriate structures even in business (or flood plain) zones does seem appropriate.

You should also be aware that the proposal began using Huron's ordinance, since recently amended, as a model, then shifted very recently to Sandusky's but excised major portions of it. It would be wise to review both of those (as previously and currently adopted) and pay particular attention to the portions not brought into this ordinance.

Plainly, nothing is going to be passed that would allow an appropriate transition to this regulation and inspection system for the bulk of the 2021 seasonal rentals, so Planning Commission, as well as Council, should take sufficient time to carefully review all of this legislation and consider the wisdom of each element. There should also be some consideration as to whether the Building Department even adequately is able to supervise and enforce existing regulations, much less added inspections of likely 100-200 units or more (even assuming monthly rentals are excluded).

There should also be at least a rule-making regulatory process to develop written additional requirements if not in the Ordinance itself, with appropriate hearings by this Commission. No part of these Ordinances should permit ad-hoc or unsupervised "case by case" adoption of standards by one person, which denies fundamental due process.

There should also be a civil remedy of an appeal to the Zoning Board of Appeals from any decision of the Building Department.

Respectfully, Homer S. Taft

