

Margaret Wakefield Worcester, 5679 Huron Street

I was a merchant in downtown Vermilion for over 25 years owning The Harbour Store (currently the Pavilion Grill). Vermilion has always been a tourist town and tourists were always a large portion of my customers. I know how important tourists are to the merchants and restaurants in town.

I was the first president of Main Street Vermilion for 4 years and the treasurer for 10 years. Main Street Vermilion has made tremendous progress in economic development, tourism and beautification. The tourists have arrived!

I am very disturbed that Planning Commission is reviewing an ordinance to allow Transient Occupancy and Transient Rentals (Airbnbs & VRBOs) in ALL residential areas of Vermilion. There is a risk of neighborhoods becoming occupied entirely by Airbnbs which would shut out long-term renters and residents. Occupants of Airbnbs are not vetted to ensure there is a safe, quiet rental experience. Long-term renters usually have background checks.

Airbnbs are “businesses” that do not belong in residential areas. Short term rentals attract disruptive visitors. The influx of short-term overnight visitors upsets the peaceful, quiet enjoyment of long-standing residential neighborhoods. Short-term renters have no stake in the community, and therefore no reason to care how the neighborhood around them suffers from their vacation activities. I am not saying there aren’t wonderful Transient renters but the bad renters can and have created havoc. Do you want an Airbnb right next door to you?

I have read the previous meeting minutes of Council, Legislation Committee and Planning Commission. Most comments were from current Airbnb owners with very few comments from long-term residents who live next to or potentially be next to these “businesses”.

Ordinance 2021-29 changes the permitted uses in ALL residential areas. Why would you do this without the consent of long-term residents? Is it to appease just a few number of Airbnb owners, a for-profit enterprise? There are over

10,000 residents in Vermilion who have not been consulted about this extreme change of permitted uses.

I propose that you do NOT approve Ordinance 2021-29 allowing Transient rentals in all residential areas. Council approved an ordinance prohibiting food trucks in Vermilion to protect local restaurants. Other cities have totally banned Transient Rentals. Currently Transient Rentals are not a permitted use in residential areas and should be prohibited to protect our neighborhoods.

Current Airbnbs could be grandfathered in with the stipulation they are registered with the City by a certain date and meet regulations.

Concerning Ordinance 2021-28 – Regulations for Transient Rentals

All Transient rentals should go before the Board of Zoning Appeals for a conditional use and meet all building, fire and safety codes. Neighbors should be notified by mail and a sign posted in the yard of the applicant notifying there is a variance request. If this causes more expenses, permit fees should be increased. Neighbors should have the right to dispute this conditional use.

I heard during the last Planning Commission work session that the Board of Zoning Appeals would not be able to handle the volume of requests. It's imperative that these non-conforming uses be reviewed by the Board. It should not be just one person deciding. The Building Inspector would confirm that all building, health and safety codes are met and refer his findings to the Board of Zoning Appeals.

If Board of Zoning Appeals approves an application, the number of Airbnbs should be limited in an area. Currently, Bed & Breakfasts are limited to one per block in the historic district. There was a reason for this! Airbnbs and/or Bed & Breakfasts should be limited to one per block.

Even Home-Occupation businesses must go before the Board of Zoning Appeals to get approval. Chapter 1271.

Parking has always been an issue in Vermilion.

According to the Use Regulation 1271.02 for Home-Occupation, customers are not allowed to park on a street, sidewalk or other adjacent public thoroughfare. Airbnb customers should also follow these rules. I have seen in other towns where off-site parking is arranged by the owners for their Airbnbs.

The owner of a Transient Rental should live in Vermilion or have a representative that lives in Vermilion for quick action to complaints of excessive noise, health or safety issues. As stated in your proposed regulations, the owner must be within an hour..... is too far away.

In closing:

Transient Rentals should NOT be a permitted use in residential areas which would affect over 10,000 residents. If you choose to pursue this....let the voters decide the permitted use change.

Existing Transient Rentals could be grandfathered in - requiring a conditional use permit approved by the Board of Zoning Appeals.

Love the tourists for visiting our town which benefits merchants and restaurants.

Protect the quality of life for long-term residents to ensure the continued vibrancy, character and charm of the Vermilion we have today.

Homer S. Taft
3972 Edgewater Drive
Vermilion, OH 44089
T: 440-333-1333
Email: hstaft@yahoo.com

August 25, 2021

To the Planning Commission
City of Vermilion

Re: Study Session, Transient Regulation and Inspection Ordinance

Dear Planning Commission Members,

I wanted to share some further thoughts on your study of Transient Rental. While I realize the ultimate decision on the need and wisdom of such regulation will rest with Council, your knowledge and experience should play an important role in advising them.

1. Why do we need an Ordinance?

First and foremost, before diving into the weeds, a careful examination should be made of what the need is for such an ordinance, other than the belief of some that everything ought be regulated as much as possible. Vermilion is a summer beach and boating town that is a vacation magnet and provides a major segment of our economy. Whatever is done should not "kill the goose that lays the golden egg." Imposing too many restrictions on where or how many "transient" rentals should be located, or imposing excessive costs, will deter property owners from renting. That in turn will reduce the value of all local property by making it less valuable to own here and reducing business activity and jobs.

Before enacting regulation, we should inquire what the problems are that we are truly experiencing and seeking to remedy. Having listened to the past discussions before City Council over the years, not only of Council, but of the Administration, Police Department, and a few members of the public. The outcome of that seems to be, despite supposed horror stories about AirBnBs that occasionally circulate in national media, essentially none of those problems occur here. Further, there have apparently been virtually no complaints to the Police Department or others about unlawful or extreme activity, and much of the complaint seems to have been from one resident who doesn't appreciate many different groups renting on a weekly or less basis four units located next to their house.

Some of the reasons to pass regulation seem more appropriate to general regulation of all residences, not something unique to "transient". Various potential misbehaviors such as noise, after quiet hours parties, excessive neighborhood parking, or even drug use are very frequently experienced from neighbors by residents who rent annually and even those who own. None of us should be subjected to such behavior, and our laws ought prevent such nuisances without regard to the rental time of the occupants. If indeed there are documented problems not yet disclosed, then the legislation should be tailored to resolve those problems.

2. If it moves tax it, if it keeps moving tax it more (credit to Pres. Reagan)

Much of the initial impetus for regulation appears to have been urging by Erie Shores and Islands, funded by bed taxes, to impose a "bed tax" not only on motels or bed and breakfasts, but all "transient" (undefined but intended as temporary) housing. Apparently, although transient regulation of something with less than 5 units has been withdrawn here repeatedly at Council, the bed tax enacted still collects taxes on such units. We do not know how much revenue would be raised from "transient" housing versus motels and bed and breakfasts, although I think the Finance Director reported \$12,400 in receipts from one year being reduced during the pandemic. However, we also spent \$4400 in software to mine for rentals and spent staff time, so whether there is a net "profit" to the City from enforcing this tax is open to question.

Now it is proposed to charge every "transient" (apparently not imposed on motels and bed and breakfasts) an inspection fee of \$200, a re-inspection and/or a renewal fee of \$100 per year. If we impose any separate regulation on "transient" rentals, I think we should err on the side of not overcharging and discouraging them. Why do not the asserted excess bed tax more than cover the costs of inspection and enforcement. If we charge anything for inspection, we should charge no more than \$100 until we have at least two years of experience on this program.

3. What is "transient"

The first existential question of any regulation is what is transient rental? The original ordinance modeled after Huron (which subsequently amended their ordinance), used any rental of 28 days or less. The current draft modeled after very limited portions of Sandusky says anything of 30 days or less. Anything which uses more than 27 days automatically regulates every single month to month rental as well and subjects it to inspections, fees, and presumably taxes, as every person who does not rent annually will occupy one month a year in February or five months 30 days or less. While I personally favor treating rentals over 10 days differently, any definition that exceeds 27 days of continuous occupancy sweeps in regulation it neither should nor perhaps can. Some have stated they are just using a state definition, but that is not applied to Vermilion or its ordinances which as a charter city set their own rules, and there simply is no statewide regulation of 28 or 30 day occupancy.

Statements have been made that these owners are operating a "business" in residential areas, which is often but not always true, much as every multi family is a "business". As to regulated "transient", a distinction should be made, however, between owners who have a one-off 10 day rental once a year and those that rent 90 days of one or two day rentals. An ordinance could exempt one instance of rental for 1-27 days from regulation or exempt owners who rent less than 10 days total per year.

4. Limits on Occupants and Parking Restrictions

It seems illogical to regulate a one room plus bath and small kitchen "studio" or small cottage on a very small or shared lot with precisely the same standards as a six bedroom home of 4000 sq. feet with a pole barn outbuilding or other structures on a 10 acre property on North Ridge or Vermilion Road. The number of occupants, number and type of vehicles, number of visitors, and even the safety requirement considerations are miles apart among them. Any regulation must consider the square footage of the unit and the allotted open outdoor space and facilities, as well as parking restrictions in neighborhoods (some districts prohibit overnight or ALL on street parking) and density of residential units in a given area.

There should probably be limits per unit square feet or separate bedrooms (2 to a bedroom) for number of overnight occupants. There should be required on property parking (not tree lawn) required adequate to the occupants and vehicles. If visitors are allowed, which will be a major issue where there is water frontage or access or boating, then adequate parking and outdoor space should be available to accommodate the number of guests and occupants together within the lot lines of the property and fronted street parking allowed so that other local residents are not prevented from using their own homes. Please read the original Sandusky ordinance and note that all of the parking and many occupancy standards have been removed from our proposed ordinance.

5. Inspection Standards

Several different specific items have been listed for inspections. Perhaps the first question to ask is are these any different than should be required to annual rentals, monthly rentals, motels or bed and breakfasts? If not, do any or all of these currently have similar regulatory inspection? Some items seem to be required whether applicable or not. The one most glaring to me was one for a carbon monoxide detector whether there is any combustion device in the unit or not. An all electric one room rental may not need one, even though no doubt a monoxide detector in addition to smoke/fire detection is not that expensive to install. Another might be railings on every stair set. Is this for example necessary inside or outside entrances to a unit with one step? Two steps? Another is blocking entrances. Though rare, there could be well more than the number of exits to meet code (including windows depending on size and location). If they meet fire code standards with some exit being blocked by furniture, is that really a problem.

Before we enact in law standards, we should very, very carefully examine their necessity and long-lived nature. I also oppose one building official, without supervision and approval, adopting regulations. Without making permanent law for only Council modification, it might be better to allow a responsible official to propose regulations, provide a public hearing or more before this Commission, and have this Commission empowered by ordinance to adopt, change or repeal such regulations.

Further any denial of a permit for transient rental should be appealable to the Board of Zoning Appeals or another agency or a request for variance permitted to be heard based upon hardship and other existing standards.

Conclusion

Many members of this Commission, Members of Council, the Administration and the Board of Zoning Appeals may well have very good input beyond or at odds with my views expressed above. However, I would hope that a fair opportunity for consideration of the views of not only residents, but especially owners of possibly regulated units, should receive careful attention. Before finalizing any regulation, it would be well to advise those currently known or taxed and request their participation.

Respectfully,

Homer S. Taft

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



Joan and Roger

SKELLEY-WATTS

1023 NAUTICAL DRIVE

VERMILION, OH 44089-1717

To: Mr. Joe Williams, Planning Commission
Mr. Steve Herron, City Council
Mr. Jim Forthofer, Mayor

Subject: Transient Rentals

Dear friends - This letter is in support of the Nautical Drive residents' petition and cover letter presented to the Clerk of Council on June 14, 2021.

My wife Joan and I own the home next to 991, former residence of Larry Rolince. We have experienced first hand why Transient rentals should not be allowed in residential neighborhoods.

The June 4-5 bachelor party referenced in the petition cover letter disturbed the peace throughout the evening and into the wee hours of the next morning. I almost called the police, next time I will.

Alcohol was involved; nobody was in control. Neighborhood intolerant to it.

and adults attempting to enjoy recreation in the canal were jeered at and harassed.

Trash produced the next day spilled out into the street. The Wisconsin owners are absentee landlords, whom we rarely see. There is a constant rotation of different vehicles that stay for a few days & disappear. Currently, I see 6 cars, a boat & trailer all crammed into the small driveway & front yard.

The new owners misrepresented their intentions. This is a commercial enterprise, advertised as such over the internet. The city should be collecting bed taxes.

They have contacted other Nautical Dive homeowners, offering to buy their houses. Also asking for maintenance help since they're not living here.

Joan & I are retired United Methodist ministers. For 47 years

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Joan & I are retired United Methodist ministers. For 47 years

we have moved around Northeast Ohio, mostly living in church-owned parsonages, raising our children.

Never did we expect that our retirement neighborhood would be turned into fraternity row or a strip of motels. We are asking for you to protect our lifetime investment of quality of life.

We are blessed to live alongside compatible neighbors who watch over one another, with low turn-over. Already, what is emerging threatens the delicate chemistry of those relationships.

We deeply thank you for listening to our concerns, and your kind consideration of help nipping this problem in the bud. Not only on our street, but throughout Vermilion.

Gratefully yours, Rose Skelley-Watts
Joan Skelley-Watts

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We deeply thank you for listening to our concerns, and your kind consideration of help nipping this problem in the bud. Not only on our street, but throughout Vermilion.

Gratefully yours, Rose Skelley-Watts
Joan Skelley-Watts

To: Joe Williams, Jim Chapple, Heather Shirley, Heidi Strickler, Jeff Hammerschmidt
From: Vicki Leimbach, Ward 5 Vermilion Resident
Date 8/30/2021

Dear Members of the Planning Commission:

Thank you for your work in helping the City of Vermilion.

I am writing about the upcoming vote regarding Sterling Group II, LLC requesting rezoning of property on Baumhart Road from I-1 & B-3 to I-2 Heavy Industrial District.

I am a staunch believer in industries as being part of a community. Growing up, I attended an excellent public school supported by local industries.

I don't know if I should be concerned about this Heavy Industry zoning designation as I have no information about the management company or the proposed industry. Prior to recommending a zoning change, I feel strongly that someone from Vermilion should tour the industry/company making this request and speak to a city or township in which they currently operate. I think if due diligence is not exercised, this could cost Vermilion dearly. If this has already been done- thank you and I look forward to hearing what you discovered.

I assume the original zoning designation of I-1 & B-3 for this property was given to protect the residents and air quality of Vermilion. It is a very big deal to change that to I-2 Heavy Industrial, so if you're not certain that this is a "sure bet", I beg you to retain its original zoning. This is a very valuable piece of property as I-1 and B-3 and would certainly generate employment and tax revenue as such.

Thank you for your time and consideration.

Sincerely,

Vicki Leimbach
1425 Claus Road
Vermilion, Ohio 44089
Ward 5
440-988-8410
Leimbachv@yahoo.com

XC: Mayor Jim Forthofer
Brian Holmes, Ward 5 Council Representative

Gwen Fisher

From: Philip Laurien <p_laurien@yahoo.com>
Sent: Tuesday, August 31, 2021 1:58 PM
To: Gwen Fisher
Subject: Re: Alternative suggested Transient Accommodation code
Attachments: Vermilion Ohio Draft Version 5 Transient Lodging Code 5 14 21.docx

Gwen,

These minutes did answer my questions and were very helpful. Thank you for researching this and sending them.

I noted in the minutes from June 2020 it was suggested that I be included on a new subcommittee to take a second look at the Transient Rental Code- ***but I never was contacted.***

In my opinion (***expert*** opinion related to Ohio zoning) there are ***serious drafting flaws in both 2021-28 and 20231-29*** that could backfire on the city if they are adopted as written.

...***So*** I do wish to **submit my updated Version 5 Transient Accommodation code** to Planning Commission and Council for discussion ***before they take action on the two city wide code changes*** that are currently being discussed at Planning Commission (Chapter 1484 Ordinance 2021-28 and 2021-29).

Therefore, please see V5 Proposed TA ordinance attached.

Please distribute to Planning Commission and City Council.

Thank you!

Phil Laurien, AICP

Master of Community Planning, University of Cincinnati, 1974

Executive Director, East Central Florida Regional Planning Council, Orlando, FL (2006-11)

Executive Director, Delaware County Regional Planning Commission, Delaware, OH (1998-2006)

Director, Franklin Co. Development Dept., Columbus, OH (1990-96) [Building, Zoning, Subdivision, Annexations]

Adjunct Instructor: Ohio Planning and Zoning Law 1991-2005 National Business Institute- Continuing Legal Education Course

Guest Lecturer In City Planning:

Ohio State University

Michigan State University

University of Arizona

University of Florida

University of Central Florida

Rollins College

Board Memberships

University of Florida Urban and Regional Planning Professional Advisory Council

Rollins College Masters in Civic Urbanism Advisory Board

On Tuesday, August 31, 2021, 09:48:29 AM EDT, Gwen Fisher <gwenfisher@vermilion.net> wrote:

Per your questions directed at me prior to the Zoning Board meeting on August 24, please see the attached minutes for you review of Council's process on this matter. I will send another email with additional committee minutes. I did not submit any council minutes as those are not referenced by subject matter. However, if you find in the minutes that it is being referred to Council, you can pull Council minutes off the website. Hope this helps.

Gwen

Version 5- May 14, 2021

By

Philip Laurien, AICP

CHAPTER 873- Vermilion, Ohio Zoning Code

Transient Accommodations (T.A.), Rooming or Board Houses

873.01 PURPOSE FOR REGULATION

The advent of internet-advertised temporary housing rentals (i.e. vrbo.com, Airbnb.com etc.) has invited the illegal conversion of residential and commercial structures into transient accommodations (T.A.) within neighborhoods not currently zoned for T.A. purposes. This is a direct violation of Vermilion's adopted zoning, which only permits transient accommodations (i.e. Bed and Breakfast Inns, Hotels and Motels) as a business use within the B-2 Downtown Commercial zoning district.

The rapid proliferation of such internet based Transient Accommodations has caused the introduction of these commercial uses and their traffic congestion, on-street parking problems, building and life safety code violations, noise and intrusion of unfamiliar strangers into neighborhoods not currently zoned for such uses.

It also has resulted in the sale and conversion of existing housing into Transient Accommodations owned by absentee landlords, thus depriving the essential local work force of affordable housing, and artificially driving up the price of housing.

The City of Vermilion has determined that Transient Accommodations may be permitted outside of the B-2 Downtown Business District, but only if certain conditions are met. This ordinance outlines the proper procedure to permit Transient Accommodations (T.A.) in residential and commercial zones outside of the B-2 District as Conditional Uses meeting certain conditions listed herein, and to prohibit inappropriate T.A.s.

873.01 DEFINITIONS

(a) Transient Accommodation (T.A.) means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guests in which four (4) or less rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures.

(b) Transient accommodation shall also mean any Rental Unit, Inns, Residential Homes and Rooming or Boarding Houses which are rented primarily to transient guests for a period of less than 30 consecutive days.

873.02 LICENSE & CONDITIONAL USE PERMIT REQUIRED.

(a) No person shall engage in operating a Transient Accommodation without first obtaining a Conditional use Permit from the Board of Zoning Appeals and then a Transient Accommodation license from the Vermilion Building Department as herein provided.

(b) No person shall engage in operating a Transient Accommodation without passing a safety/fire/building code inspection by the Vermilion Building and Fire Departments.

(c) Such TA Life and Safety inspection shall be performed annually and a fee paid for such inspection.

873.03 CONDITIONAL USE APPLICATION

The process to obtain a Transient Accommodation License shall be as follows:

1. Property owners in the city of Vermilion must apply for a Conditional Use permit for a Transient Accommodation from the Board of Zoning Appeals, and pay fees for the BZA process and a separate registration fee.

Exception to Conditional Use process: “bricks and mortar” (i.e. permanent) lodging businesses such as hotels, motels, and bed and breakfast inns with on-site management may provide T.A. lodging if they are a listed permitted use under city zoning, within an appropriate business zone, and have been issued all appropriate city zoning permits, inspections, and certificates of occupancy.

2. The Building and Fire Officials shall inspect the proposed TA building for life and fire safety and general building code compliance. Upon a failed inspection property owners will be required to correct violations and submit to a re-inspection before the building official will forward the application to the BZA. An application fee will be charged for each re-inspection of a property in violation.
3. If it is found that the building and premise is in compliance with the life and safety provisions of Vermilion codes, the Building Official shall forward his findings to the Board of Zoning Appeals for their public hearing regarding the issuance of a conditional use permit for a Transient Accommodation.
4. Conditions Required for a Conditional Use in Residential and Commercial Zoning Districts:

In order to approve a Transient Accommodation the Board of Zoning Appeals must determine if all of the following required conditions are met:

- a.) Density- every bedroom/sleeping room shall meet the minimum life safety requirements for size and egress in the International Residential Code. For sleeping rooms containing more than 2 persons the rooms shall contain at least 50 square feet per person.
- b.) Maximum T. A. occupancy shall be the number of persons that will be accommodated within approved sleeping rooms.

- c.) Parking- One 9' x 18' all weather (asphalt, concrete, or crushed stone) parking space shall be provided for each two persons of occupancy or per bedroom, whichever is greater. Such parking spaces shall be provided in any of the following locations:
 - 1.) Garage
 - 2.) Driveway
 - 3.) Directly in front of the property, on the same side of the street, outside the main lanes of traffic but within the public right of way if otherwise allowed by local regulation.
 - 4.) No required parking shall be provided in front of neighboring properties.
- d.) The property shall not be used as a "party house" with guests exceeding the number of maximum occupancy as determined by the formula cited in 873.03, 4, (b.).
- e.) The property to be used as a Transient Accommodation shall either have permanent on site resident management, or a responsible local Vermilion resident acting as off site manager who will maintain the property and immediately respond to neighbor, building department or police complaints. The 24 hour contact information of the manager must be included on the TA license posted on the property.
- f.) The property has been inspected by the Building and Fire Officials and has passed life and safety code inspections.
- g.) The property must be accessed by a street with at least two points of egress for fire department, emergency services and police response (i.e. not located on a dead end or cul de sac street).
- h.) All abutting property owners must have been notified of the BZA hearing date and request by certified mail, (proof submitted) of the proposed use as a Transient Accommodation.
- i.) The BZA must determine if the proposed Transient Accommodation will cause a nuisance to neighboring properties due to its proximity and distance between neighboring structures, lack of proper on-site (or responsible local off-site) management, building orientation, parking or access.
- j.) A property being utilized as a Transient Accommodation shall display a T.A. License issued by the City of Vermilion outside the main entry of the property.

873.04 NON-TRANSFERABLE C.U. PERMIT and LICENSE

The Conditional Use Permit and TA License for a Transient Accommodation is issued to the property owner, and is not transferrable. If the property is sold and a new owner wishes to renew the TA License, he/she must reapply for a new conditional use permit and new license.

873.05 PEACE DISTURBANCES.

No person who owns or operates a Transient Accommodation shall fail to keep such premises in a quiet, orderly and peaceful manner.

873.06 REVOCATION OF C. U. PERMIT and LICENSE.

The Building Department may revoke a Transient Accommodation License for offenses or citations defined under the Codified Ordinances of the City of Vermilion, Ohio to include but not limited to building code violations, Zoning violations, and/or fire and life safety violations, **or repeated valid nuisance complaints for failure to properly manage and maintain the premises.** Upon revocation of the T.A License the property will no longer be permitted to function as a rental establishment.

873.07 INSPECTION.

By agreeing to the terms of the T.A. License the property owner/operator/agent agrees to submit to annual safety and fire inspections, or at any interim time upon request by the Vermilion Building and Fire Departments.

873.08 NON APPLICABLE TO HOTELS, MOTELS AND BED AND BREAKFASTS IN BUSINESS ZONES

The provisions of the conditional use permit and license process for Transient Accommodation shall not apply to legally permitted uses with certificates of occupancy issued for hotels, motels and bed and breakfast inns in business zones with on site management. Hotels, motels and Bed and Breakfast inns in business zones shall still comply with the annual life and safety inspection requirement and pay an annual fee for such inspection.

873.09 REGISTRATION FEE

On or before January 15 of each year the Building Official shall present to City Council a schedule that itemizes the fees charged for a Transient Accommodation License

873.10 PENALTY.

Whoever violates any provision of this Chapter or fails to obtain a license is guilty of a misdemeanor and shall be fined \$100 for each day during or on which a violation or noncompliance occurs or continues.

About the Author: Philip Laurien, AICP, has authored more than 100 community comprehensive plans, zoning codes and subdivision regulations in five states over his 47 year career as a community planner, real estate consultant, development director, city manager and home builder. He was certified by the Ohio Supreme Court Commission to teach Ohio Planning and Zoning Law Seminars for the National Business Institute from 1991-2005. He has been a guest lecturer at many universities including Ohio State Univ., Univ. of Florida, Michigan State Univ., and Rollins College. He received his Master in Community Planning from the University of Cincinnati in 1974.

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