

Staff Report: Completed by Jeff Palmer Director of Planning & Zoning

Report Date: July 6, 2023

Hearing Date: August 7, 2023

Applicant: Clearcreek Township Board of Trustees

Requested Action: This text amendment refines the regulations for short-term rentals for the Clearcreek Township Zoning Code. This text amendment involves Chapters: 3 and 22.

Attached: Clearcreek Township Trustee Resolution 5440

In the text amendment there are several text formats:

- The word AMEND proposes a change to an existing regulation.
- The word ADD proposes new regulation.
- Proposed new text is CAPITALIZED.
- Text proposed to be removed is ~~striketrough~~.
- Ordinary sentence text remains as written.

What is a Short-Term Rental?

- Rental of a dwelling for a duration of less than 30 days.
- Short-term rentals are often marketed as “Airbnb”, “Vrbo” (Vacation Rental by Owner) or through similar websites offering a renter/traveler/vacationer/temporary guest a dwelling for a fee. This dwelling competes with hotels in a given area to provide short-term lodging.
- There is a 2020, Court of Appeals Eleventh Appellate District, Geauga County Ohio case: Marra v. Auburn Twp. Zoning Inspector, 2020-OPhio-6678 that affirms that offering a single-family home on Airbnb is not a permitted use in such a district.

In the Clearcreek Township Zoning Resolution:

- Single-Family Dwellings are defined: A building designed to provide a dwelling unit exclusively for use and occupancy by one (1) family. (Section 3.29)
- Family is defined: A person or group of people that reside in a dwelling unit, no more than four (4) of whom are unrelated by blood, adoption or marriage. (Section 3.31)
- Hotel, Motel, Inn or Auto Court is defined: An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. (Section 3.39)
- Hotels and motels exist as permitted uses in the General Business Zone “B-2”. (Section 10.02(E))
- Tourist home, bed & breakfast, motel, hotel, inn are prohibited in the residential home occupation regulations. (Section 5.752(B)(15)(m))
- Farm Based Tourism is a conditional use in the Open Space Rural Residence Zone “OSR-1”, Residence Zone “R-1” and Township Residence Zone “TR-1”. A bed & breakfast can be established on a parcel that meets the definition of a farm and is approved through the Conditional Use Permit process. (Sections: 3.3101, 3.1102(3), 5.524(G), 5.7524(G), 6.024(D))

Why is the Township considering this text amendment?

- The Zoning Department was made aware of a short-term rental operation in the Glenridge Subdivision. After tracking the activity and notifying the property owner of the violation, the minimum timeline was amended from a nightly rental to a minimum of a 30-day rental (typical length of a traditional or long-term rental). The Zoning Department continues to monitor the advertised use of this property.
- After multiple discussions with the Board of Trustees, staff was directed to draft a text amendment that narrowly allowed short-term rentals in the Township.
- Unless the residential property was approved for Farm Based Tourism Use or rezoned into a Planned Unit Development with a bed & breakfast component, all properties conducting short-term rentals are and will continue to be viewed as zoning violations.
- Text Amendment 2023-1 establishes the Board of Trustees as the approval authority through a site plan meeting as well as standards for the use such as: minimum parcel size of 10 acres, prohibition of lodging in accessory structures, accessory structures if part of the rental would be required to have a bathroom and meet the Ohio Building Code.