



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

**DATE:** October 13, 2023  
**TO:** Mayor Anzevino and Members of City Council  
**FROM:** Thom Sheridan, City Manager, Greg Hannan, Community Development Director  
**RE:** Land Development Code Temporary Uses

In response to recent discussions City Council has conducted regarding the Ohio Turnpike construction yard operated by Beaver Excavating, City staff has prepared the below preliminary LDC text amendment for discussion. With direction from City Council staff will proceed to draft formal legislation for Council first reading and referral to the Planning Commission.

#### 1206.04 TEMPORARY USES.

- a) Permit Required. A permit for temporary uses may be issued within any zone district provided such temporary use meets the requirements of this section. The permit shall be issued for a specified period and shall contain such conditions as are necessary for protection of the public health and safety and as necessary to mitigate any potential adverse impacts. The City Council, or the City Manager, as authority is specified, may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

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- c) Contractor's office/temporary construction uses may be permitted by the City Manager as follows:
- 1) Permitted in all districts. The use of construction sheds or construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, are permitted temporary uses in all districts, subject to the following regulations and restrictions.
  - 2) Term of permit. The term of a temporary use permit for construction uses shall automatically expire thirty days after completion of construction, or upon cessation of construction for more than sixty days, or one year after issuance, whichever occurs first. The City Manager may grant up to three, six-month extensions if the builder maintains active and continuous construction on the site or within the subdivision **and surrounding uses have not been negatively impacted**.

- 3) Site requirements
  - A. A construction trailer, construction shed, or a construction yard, shall be located on the lot on which construction is progressing and shall not be located within ~~twenty-five~~ **fifty** feet of any abutting residential use.
  - B. A construction yard may be sited on a lot adjacent **immediately abutting** to the construction site provided that access from the temporary construction yard to the construction site(s) does not affect the uses of public streets or surrounding uses.
  - C. Siting of a temporary construction yard shall provide ~~adequate buffering~~ **screening equivalent to Bufferyard C** to adjacent structures and uses.
  - D. A construction yard shall be maintained in good condition during the time of its use. Construction yards and sites shall be regularly mowed and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.
- 4) Dwelling prohibited. A construction trailer or construction shed shall be used only as temporary field offices and for storage of incidental equipment and supplies, and shall not be used as any type of dwelling.
- 5) Commencement of use. A construction trailer or construction shed, or a temporary construction yard, shall be moved, erected, or established on a construction site no earlier than two weeks prior to the date on which construction actually commences. If construction is interrupted and ceases for more than sixty days, a construction trailer or construction shed shall be removed until actual construction commences again.
- 6) Fire hazards. No flammable materials, as defined in the City's Fire Code, shall be stored in the construction trailer or construction shed.
- 7) Trailer/shed requirements.
  - A. All construction trailers and construction sheds shall have at least ten feet on all sides for clearance. Two or more construction trailers may be joined for passage from trailer to trailer.
  - B. All construction trailers and construction sheds shall contain solid floors, electric lights, heat, and doors with locks.
  - C. Every construction trailer and construction shed shall be maintained in clean and orderly condition, with rubbish barrels for waste materials.
- 8) Completion of temporary use. Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.
- 9) Public Notice and Comment. **The City shall cause a temporary sign to be placed on the property which is the subject of the application for the purpose of giving notice and soliciting public comment. The City shall use any public comment received for the purpose of assisting in the City's evaluation of the**

**applications compliance with Section 1206.04(c) . The temporary sign shall be placed on the property no less than fourteen days before the permit is issued by the City.**

City Solicitor and staff reviewed further the ability to consider some expanded ability for public review and input on larger level applications.

1. Appeal: Currently *Section 1212 Appeals and Enforcement* indicates a part of interest can appeal a decision of the City Manager to the Board of Zoning and Building Appeals. A party of interest; however, is defined the applicant or property owner which is the subject to the application. This would not grant appeal rights to adjacent property owners.
2. Planning Commission: The Planning Commission (PC) currently has the responsibility to review larger impact applications including conditional uses, major site plans, LDC amendments and subdivisions. Temporary uses could be added to this list; however, temporary uses are in general much smaller in scale and impact than the typical PC case.
3. Site Plan – minor development call up: Site plans reviews are defined in 1203.09 as minor (admin/staff), basic (AHBR), and major (PC) – each having a different level of review. The PC does have the existing authority to call up minor site plan reviews. Temporary use site plan reviews could be added in 1203.09 to allow the PC the authority to call up such applications. This would provide some expanded public meeting process for more impactful applications. Staff does note this call up provision has been within the LDC for an extended time; however, is rarely used.