

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2018-61

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

REPEALING SECTION 201.20, LEASING PERMIT REQUIRED IN THE R-SF-A AND R-SF-B DISTRICTS, OF CHAPTER 201, R-SF-A AND R-SF-B SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS, OF THE ZONING CODE OF THE CITY OF BEREA.

WHEREAS, it is important to periodically review and appropriately amend the Zoning Code of the City of Berea to ensure that it serves the best interests of the City and its residents and businesses; and

WHEREAS, existing Section 201.20 of the Zoning Code provides for certain procedures for the application for and issuance of a leasing permit, but does not adequately address concerns about the conduct of tenants; and

WHEREAS, the Council of the City of Berea and the Administration believe that the City can better address issues that arise in rental properties in a more effective and efficient manner by simplifying the permitting process and providing the means to respond to common complaints about the conduct of tenants in rental properties; and

WHEREAS, the Council of the City of Berea passed Ordinance No. 2018-33 on May 21, 2018, creating new Chapter 1331, Residential Rental Property Permits, of Title Five, Local Provisions, of Part Thirteen, Building Code, of the Codified Ordinances of the City of Berea, establishing new procedures for the registration of rental properties and for categorizing rental properties as criminal nuisances, where tenant misconduct warrants such action; and

WHEREAS, as a result of the adoption of Ordinance No. 2018-33 on May 21, 2018, Section 201.20 of the Zoning Code is required to be repealed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 201.20, Leasing Permit Required in the R-SF-A and R-SF-B Districts, of the Zoning Code of the City of Berea, which has heretofore read as follows:

Section 201.20 Leasing Permit Required in the R-SF-A and R-SF-B Districts.

- (A) Findings, Purpose and Intent. In adopting this Section, Berea City Council acknowledges that there has been an increase in the number of rental properties in the City and that rental properties have particular needs, issues, concerns and problems that are not as prevalent with non-rental properties. These concerns include the safety of tenants and the quiet tranquility of the surrounding residential neighborhoods, both of which may be impaired by, among other things, building and life safety code violations as well as the significant increase in parking of motor vehicles at one and two-family dwellings. It is with these concerns in mind that Berea City Council now adopts this section as an effort to help preserve the housing stock and ensure safe living conditions, adequate parking areas, upkeep of residential structures and to avoid overcrowding.
- (B) Permit Required. Except where the owner resides in the dwelling unit, no owner, renter, tenant or regular occupant of any single family or two-family dwelling shall rent, lease or regularly occupy any dwelling unit without first obtaining a Leasing Permit from the City Building Department. A dwelling unit may be occupied by one family related by blood, marriage, or adoption or by not more than three (3) unrelated persons. "Regular Occupancy" means the physical presence of a person in the dwelling overnight for at least fifteen (15) nights in a consecutive thirty-day period.
- (C) Permit Application. Application for a Leasing Permit is required on an annual basis and inspections will be conducted on a biennial basis. Application for a Leasing Permit shall be made by the owner or owner's agent upon forms provided by the City of Berea Building Department. The application shall include, among other things, the names and number of

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prospective tenants, renters or regular occupants and the number of motor vehicles regularly used by such persons. In addition, the applicant shall provide a written list of all motor vehicles, including make, model and license plate number, which will be regularly parked in the off-street parking area that is the subject of the Leasing Permit. "Regularly parked" means the parking of a motor vehicle on the leased premises overnight for at least three nights in anyone week period.

- (D) Inspections. The City Building Department shall inspect each dwelling unit to determine the following:
- (1) Whether the dwelling unit is of adequate size and has an adequate number of sleeping rooms to accommodate the proposed number of tenants, renters or regular occupants; and
 - (2) Whether the off-street parking area of the property subject to the lease is adequate to accommodate the proposed number of motor vehicles regularly used by the tenants, renters or regular occupants and that all parking spaces are in compliance with Chapter 301 of this Zoning Code.
 - (3) Whether the dwelling unit and its exterior comply with the architectural and site design guidelines provided for in Chapter 201 of this Zoning Code. (4) Whether the dwelling unit satisfies the provisions of Part Thirteen of the Codified Ordinances of the City of Berea.
- (E) Leasing Permit Duration. A Leasing Permit shall be valid for the property, for up to the number of occupants authorized in the permit, and for the motor vehicles identified in the permit. A Leasing Permit shall be valid from date of issuance to September 30th of each year. The owner or occupant is required to notify the City of Berea Building Department whenever there is a change in the type of a motor vehicle that is regularly parked on the leased premises, as well as any change in tenants, renters or regular occupants; however such a change(s) will not invalidate the Leasing Permit, so long as there is no increase in the number of motor vehicles regularly parked nor number of tenants, renters or regular occupants on the leased premises.
- (F) Appeal and Special Application for More Than Three Unrelated Tenants.
- (1) An owner of a single family or two-family dwelling may file a special written application with the Building Department to allow occupancy of more than three unrelated persons in a dwelling unit. The Director of Public Service and the Director of Public Safety, or their designees, shall review the special application and consider the criteria contained in Section 201.20 (D) above.
 - (2) An applicant who has been denied a Leasing Permit by the City Building Department, has been adversely affected by a decision of the Zoning Administrator or who's special written application pursuant to subsection (F)(1) herein has been denied, may seek further appeal to the Planning Commission in accordance with the procedure contained in Chapter 103 of this Zoning Code.
- (G) Fees. The fee charged for a Leasing Permit application shall be twenty-five dollars (\$25.00). The fee charged for a Leasing Permit inspection shall be seventy-five dollars (\$75.00). All applicable fees shall be paid at the time the Leasing Permit application, or any renewal thereof, is filed with the City.
- (H) Penalty. Any person who fails to comply with any provision of this Section shall be, upon conviction of the same, guilty of a misdemeanor of the fourth degree. A separate offense shall be deemed committed each day on which a violation of or noncompliance with any provision of this Section occurs or continues.

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shall be expressly repealed.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 3, 2018

ATTEST: Alyssa
Clerk of Council

[Signature]
President of Council
APPROVED: December 4, 2018
Cyril Kleem
Mayor

Approved as to Form:

[Signature]
Director of Law