

**ORDINANCE NO. 2017-16
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE AUTHORIZING TRANSFERS AND ADVANCES
AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary from time to time to make transfers and advances from various funds to various funds in order to provide for essential governmental operations; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. The following transfers are hereby authorized and approved in the amounts not to exceed:

TRANSFER FROM FUND	TO FUND	AMOUNT
General Fund	Police Pension Fund	\$396,214
General Fund	Fire Pension Fund	\$445,448
General Fund	Permanent Improv Fund	\$615,000
General Fund	Community Center Fund	\$238,000
Law Enforcement Fund	General Fund	\$4,960

SECTION 2. The following advances are hereby authorized and approved in the amounts not to exceed:

ADVANCE FROM FUND	TO FUND	AMOUNT
General Fund	LV Perm Improv Tax Inc Fund	\$847,588

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Lyndhurst for the reason that it affects the day to day financial operations of the municipality and is necessary to maintain accurate and proper records. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____, _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

**ORDINANCE NO. 2017-17
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE ENACTING CHAPTER 1178 OF THE
CODIFIED ORDINANCES OF THE CITY OF LYNDBURST,
OHIO, TITLED "BED AND BREAKFAST INNS" AND
DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDBURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Chapter 1178 of the Codified Ordinances of the City titled "BED AND BREAKFAST INNS" is hereby enacted to read as follows:

1178.01 PURPOSE; INTENT.

Bed and breakfast inns are unique, semi-commercial operations that adapt a residential environment into a lodging concept, limited in scope and operation. The use is clearly of a commercial nature, but may at times be more in keeping with a residential environment. The purpose of this Chapter is to provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Bed and breakfast inns shall be subordinate to the principal use of a structure as a single-family dwelling. The intent of this Chapter is not to provide an opportunity for the establishment of an intensive commercial lodging business, which use would be considered appropriate within an intensive commercial or planned commercial zoning district, but rather in certain locations to provide a limited commercial use in a residential or commercial district.

1178.02 BED AND BREAKFAST INN DEFINED.

For purposes of this Chapter, "bed and breakfast inn" means an owner-occupied, residential, single-family structure wherein lodging and breakfast only are provided to transient guests for compensation in accordance with the development standards of this Chapter. The provision of lodging and breakfast shall be subordinate to the principal use of the structure, and the residential character of the neighborhood must be maintained.

1178.03 BED AND BREAKFAST INNS AS CONDITIONAL USES; PERMIT REQUIRED.

A bed and breakfast inn is hereby classified as a conditional use which may be permitted in Two-Acre Single Family Districts, One-Acre Single Family Districts and all Community Business Districts in accordance with the corresponding standards and requirements of the Planning and Zoning Code. A conditional use permit issued pursuant to Chapter 1156 of these Codified Ordinances shall be required in order to operate a bed and breakfast inn; said permit shall be effective for two (2) years at a biennial cost to be determined by City Council, and said permit shall be automatically voided by operation of law without further notice or hearing upon the sale or transfer of the real property upon which the bed and breakfast inn is located. In submitting an application for a conditional use permit, and with every re-application, the applicant shall provide to the Planning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, and any additional information as required by the Planning Commission. Notification of the request for the conditional use permit shall be given by the Secretary of the Planning Commission to all record title holders of real property lying within 500 feet of the property line of the area requesting the conditional use approval. Said notice shall be by first class mail, postage prepaid.

1178.04 GENERAL DEVELOPMENT STANDARDS.

The following development standards apply to bed and breakfast inns.

(a) Uses Permitted in Single-Family Detached Dwellings. Bed and breakfast inns shall be permitted with a conditional use permit in only single-family dwellings in the main residential structure; no bed and breakfast inn shall be allowed in any detached

structure, or in a garage. Only minimal interior modifications of said single-family dwelling shall be permitted in the original architectural style of the house for safety purposes only. Interior modifications of the size of bedrooms and baths shall be permitted. Each bed and breakfast inn shall be required to have a dining room no smaller than 100 square feet. No more than fifty percent of the house floor area shall be used for such bed and breakfast inn, which percentage of use shall include bedrooms, guest baths and the dining room.

(b) Occupation of Premises by Owner. The owner of a bed and breakfast inn shall live full-time on the premises. Such owner shall be the record owner of no less than fifty percent interest of the property in question.

(c) Compliance With Fire Protection Standards; Certificates Required. Certificates of compliance from the Lyndhurst Fire Department shall be required for approval of a request for a conditional use permit for a bed and breakfast inn. The following fire protection standards shall be continually met during the term of the conditional use permit, and shall be certified to exist by the City Fire Prevention Officer at the inception of the conditional use permit and annually thereafter:

- (1) There shall be a battery-type smoke detector in each guest room;
- (2) There shall be one 110-volt electrical smoke detector per floor protecting the sleeping areas;
- (3) There shall be one carbon dioxide detector per floor protecting the sleeping areas;
- (4) There shall be two ten pound ABC extinguishers per floor;
- (5) Electrical work shall conform to current residential standards;
- (6) There shall be a fire inspection; and
- (7) No portable heating devices shall be allowed in sleeping rooms.

(d) Meals; Serving of Alcoholic Beverages Prohibited. Only one meal shall be served to each guest room occupant of the bed and breakfast inn, and that meal shall be breakfast. The sale and consumption of alcoholic beverages to paying guests is prohibited in a bed and breakfast inn.

(e) Consecutive Nights. Each paying guest may stay at a bed and breakfast inn for not more than three (3) consecutive nights at any single visit.

(f) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a bed and breakfast inn. No cooking facilities of any type shall be permitted in individual guest quarters, and no food shall be served in guest quarters.

(g) Bathrooms. A minimum of one full bathroom, including tub or shower, toilet and sink, shall be required for every two guest rooms, to be available for the exclusive use of bed and breakfast paying guests. No bathroom shall be located in the basement.

(h) Owner Requirements. The owner must maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The registration records shall be kept on file for three years and, upon request by any authorized City official, shall be made available for inspection by such City official during regular business hours or in case of an emergency.

(i) Nuisance Conditions; Revocation or Suspension of Permits. Bed and breakfast inns shall not be permitted to create or continue a nuisance under either state or local law, and a conditional use permit shall be revoked or suspended by the City whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.

(j) Guest Rooms. There shall be no more than three guest rooms within a single-family dwelling that are utilized by bed and breakfast guests. A guest room shall contain no less than 100 square feet of living space, not including closets.

(k) Parking. One off-street parking space shall be provided for each guest room. Such off-street parking spaces shall be provided in an existing driveway behind the existing building line or in a garage.

(l) Signage. One on-premises, flat sign against the dwelling shall be permitted for each bed and breakfast inn, not to exceed three square feet in area. The sign shall not be internally illuminated. No window display or signboard shall be allowed.

(m) Part-Time Employees. One individual who is a nonresident of the dwelling may be employed in the operation of a bed and breakfast inn on a part-time basis.

(n) Security. Outdoor security cameras must be provided. No security lighting shall be permitted which reflects or is directed out of the yard of the bed and breakfast inn.

- (o) Exits. A minimum of two exits from the bed and breakfast area shall be provided.
- (p) Bed Tax. The bed tax applying to bed and breakfast inns shall be the same as that for hotels and motels.
- (q) Allowable Number of Occupants. A maximum of five guests, including minor children, shall be permitted at any one time.
- (r) Location. No bed and breakfast inn shall be permitted within 1,000 feet of a school or recreational facility, as defined in Section 666.22 of these Codified Ordinances.

1178.05 REQUIRED INFORMATION

Bed and breakfast inns shall be subject to annual inspection, and inspection at other times upon reasonable notice to the owner. In addition to the requirements set forth in Section 705.04, above, an application for and, if requested, renewal of, a conditional use permit to engage in the business of bed-and-breakfast establishment shall be accompanied by the following information:

- (1) proof of commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the permit. Each policy of insurance shall (i) be issued by an insurer authorized to do business in the State of Ohio; and (ii) include a provision requiring 30 days advance notice to the City prior to cancellation or lapse of the policy. The owner shall maintain the insurance required under this Section in full force and effect for the duration of the permit period. A single violation of this subsection shall result in revocation of the permit;
- (2) a statement as to whether the owner or any controlling person has ever been convicted in any jurisdiction of any felony;
- (3) proof that the owner has legal title to the property on which the establishment is located;
- (4) a written statement that the establishment shall be the owner's legal primary residence throughout the duration of the license period;
- (5) a copy of an evacuation diagram; and
- (6) a valid certificate of registration in food handling and sanitation issued by the department of health.

1178.06 PROHIBITED ACTS

It shall be unlawful for any person engaged in the business of bed-and-breakfast inns to:

- (1) exceed the scope of the permit, as set forth in this Chapter;
- (2) allow occupancy of the establishment or any part thereof to exceed one person per 125 feet of floor area, excluding elevators, stairways or other shaft enclosures;
- (3) rent any sleeping room in the establishment for 3 or more consecutive days to any person other than members of the owner's family as defined in the Lyndhurst Zoning Ordinance;
- (4) use or permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;
- (5) permit any criminal activity or public nuisance to take place on the premises. If an owner knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the premises, the owner shall immediately notify the Lyndhurst Police Department of such fact, and shall cooperate with the Lyndhurst Police Department in any investigation that may ensue; or
- (6) knowingly make any false or incomplete or misleading statement about such person's criminal background in connection with any application submitted this Chapter. A single violation of this subsection shall result in permit revocation.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO. 2017-18
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE AMENDING CHAPTER 1329 OF THE CODIFIED ORDINANCES OF THE CITY ENTITLED "FENCES" BY AMENDING SECTION 1329.04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Chapter 1329 of the Codified Ordinances of the City entitled "FENCES" is hereby amended by amending Section 1329.04 to read as follows (new material appears like THIS and deleted material appears like ~~this~~):

1329.04 STAKES OR POSTS.

The stakes supporting a fence shall face the property of the person providing such fence with a 36-inch minimum depth ~~without concrete; with concrete a minimum of 18 inches in depth is required.~~

SECTION 2. All provisions in Section 1329.04 of the Codified Ordinances of the City inconsistent herewith are hereby repealed, and all other provisions of Chapter 1329 shall remain in full force and effect.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____