

CITY OF BROOK PARK, OHIO

P/C  
CA PRCP 5-15-18  
1st R 6-5-18  
2nd R 6-19-18  
3rd R \_\_\_\_\_  
P/C \_\_\_\_\_

ORDINANCE NO: 11025-2018

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE  
ENACTING CHAPTER 1122 OF THE  
BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'SHORT TERM LEASES'

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Brook Park Codified Ordinances shall be supplemented by enacting a new Chapter entitled "Short Term Leases" and is hereby enacted to read as follows:

**1122.01 PURPOSE; INTENT.**

Short Term Leases 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. Short Term Leases shall be the 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 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.

**1122.02 SHORT TERM LEASE DEFINED.**

For purposes of this Chapter 1122 means an owner-occupied, residential, single-family structure wherein lodging is provided to transient guests for compensation in accordance with the development standards of this Chapter. The provision of lodging shall be subordinate to the principal use of the structure, and the residential character of the neighborhood must be maintained. At all times the short term leases must comply with all requirements of the Residential Code of Ohio.

**1133.03 SHORT TERM LEASES AS CONDITIONAL USES; PERMIT REQUIRED.**

Short Term Leases are hereby classified as a conditional use

which may be permitted in Single Family Zoned 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 1121 of these Codified Ordinances shall be required in order to allow 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 short term leases 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 first class mail, postage prepaid.

**1122.04 GENERAL DEVELOPMENT STANDARDS.**

The following development standards apply to Short Term Leases.

- (a) Uses Permitted in Single-Family Detached Dwellings. Short Term Leases 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 Short Term Lease 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 Short Term Lease which percent of use shall include bedrooms, guest baths and dining room.
- (b) Occupation of Premises by Owner. The owner of a Short Term Lease 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 Brook Park Fire Department shall be required for approval of a request for a conditional use permit for Short Term Leases. 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 therefor:

- (1) There be a battery-type smoke detector in each guest room;

- (2) There shall be a 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 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) Consecutive Nights. Each paying guest may stay at a property designated as a Short Term Lease Property for not more than seven (7) consecutive nights at any single visit.
- (e) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a Short Term Lease. No cooking facilities of any type shall be permitted in individual guest quarters, and no food shall be served in guest quarters.
- (f) 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.
- (g) 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.
- (h) Nuisance Conditions; Revocation or Suspension of Permits. Short Term Leases 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.
- (i) Guest Rooms. There shall be no more than three guest rooms within a single-family dwelling that are utilized by Short Term Lease customers. A guest room shall contain no less than 100 square feet of living space, not including closets. Guest rooms must be limited to only the first and second floors; no guest room may be located on the third floor, or in the basement.

- (j) 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.
- (k) Signage. One on-premises, flat sign against the dwelling shall be permitted for each Short Term Lease, not to exceed three square feet in area. The sign shall not be internally illuminated. No window display or signboard shall be allowed.
- (l) Part-Time Employees. One individual who is a nonresident of the dwelling may be employed in the operation of an owner of the Short Term Lease on a part-time basis.
- (m) Security. Outdoor security cameras must be provided. No security lighting shall be permitted which reflects or is directed out of the yard of the owner of the Short Term Lease.
- (n) Exists. In addition to the requirements of the Residential Code of Ohio, a minimum of two exists from the bed and breakfast area at the level of exist discharge shall be provided.
- (o) Bed Tax. The bed tax applying to the Short Term Leases shall be the same as that for hotels and motels.
- (p) Allowable Number of Occupants. A maximum of six (6) guests, including minor children, shall be permitted at any one time.
- (q) Location. No Short Term Lease shall be permitted within 500 feet of a school or recreational facility.

**1122.05 REQUIRED INFORMATION.**

A resident approved to offer Short Term Leases shall be subject to annual inspection, and inspection at other times upon reasonable notice to the owner. In addition to the requirement set forth in Section 1121.03, above, an application for and, if requested, renewal of, a conditional use permit to engage in the business of Short Term Lease establishment shall be accompanied by the following information:

**SHORT TERM LEASE**

- (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 used 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 by the department of health.

**1122.06 PROHIBITED ACTS.**

It shall be unlawful for any person engaged in the business of Short Term Leases 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 7 or more consecutive days to any person other than members of the owner's family as defined in Brook Park 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 Brook Park Police Department of such fact, and shall cooperate with the Brook Park Police Department in any investigation that may ensue; or
- (6) Knowingly make any false or misleading statement about such person's criminal background in connection with any application submitted pursuant to this Chapter. A single violation of this subsection shall result in permit revocation.

**SECTION 2:** 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

PASSED: June 19, 2018

M. Parker  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak  
Clerk of Council

APPROVED: [Signature]  
MAYOR

6-19-18  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

[Signature]  
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution

No. 11025-2018  
passed on the 19th day of June  
20 18 by said council.

Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing June 20, 2018  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mehani	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>