

# BEREA CITY COUNCIL

*City of Berea, Ohio*

## ORDINANCE NO. 2022-30

By: Councilman Chris McManis Sponsor: Mayor Cyril M. Kleem; Councilman Chris McManis

### AN ORDINANCE

**AMENDING SECTION 100.03, ANNEXATION, OF CHAPTER 100, PURPOSE AND INTENT, OF THE ZONING CODE OF THE CITY OF BEREA TO ESTABLISH THE APPLICABLE ZONING DISTRICT OF ANY PROPERTY THAT MAY BE ANNEXED TO THE CITY OF BEREA.**

**WHEREAS**, it is important for Council and the Municipal Planning Commission to periodically review the Codified Ordinances and Zoning Code to ensure that the continuing best interests of the public are reflected therein; and

**WHEREAS**, the Mayor, Council and Administration reviewed Section 100.03 of the Zoning Code, Annexation, and found that in order to control the future development in the City and of properties that could be annexed to the City, and upon consideration of the zoning applicable to adjacent properties and the Master Plan, it is necessary to amend Section 100.03 to clarify the zoning of any property that could be subject to annexation proceedings in the future.

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

**SECTION 1.** That Section 100.03 of the Zoning Code, which has heretofore read as follows:

**Section 100.03                      Annexation**

Unless otherwise stated in the conditions of annexation, territory annexed to or otherwise becoming a part of the City of Berea subsequent to the effective date of this Code shall become, upon the effective date of such annexation or inclusion, an R-SF-B zoning district until otherwise classified; provided, however, if territory subject to county or township zoning shall be annexed or otherwise become a part of the City of Berea subsequent to the effective date of this Code and if upon such effective date such territory is subject to county or township zoning regulations enacted by the public authority having zoning jurisdiction over such territory prior to such effective date, the zoning regulations then in effect shall remain in full force and effect as provided in Section 303.18 and Section 519.18 respectively, of the Ohio Revised Code, until and unless the Council adopts existing zoning regulations or adopts new regulations for such territory; provided, further, that if such county or township territory is not subject to any zoning regulations at the time of such annexation or inclusion,

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upon the effective date thereof it shall be zoned and become an R-SF-B zoning District until otherwise classified.

shall be, and the same is hereby amended to, read as follows:

### **Section 100.03                      Annexation**

If territory subject to county or township zoning shall be annexed or otherwise become a part of the City of Berea subsequent to the effective date of this Code and if such territory is subject to county or township zoning regulations enacted by the public authority having zoning jurisdiction over such territory prior to the effective date of the annexation, the zoning regulations then in effect shall remain in full force and effect as provided in Section 303.18 and Section 519.18 respectively, of the Ohio Revised Code, until and unless the Council adopts existing zoning regulations or adopts new regulations for such territory; provided, further, that if such county or township territory is not subject to any zoning regulations at the time of such annexation or inclusion, upon the effective date thereof it shall be zoned and become an R-SF-T zoning District until otherwise classified.

- (A) Any Applicant seeking to annex land into the City shall submit a completed Berea Annexation Application form to the Clerk of Council on a form provided by the City at the time of filing an annexation petition.
- (B) The Annexation Application shall set forth the information required to accompany the Annexation Application and shall include, but not be limited to, a Conceptual Development Plan and Preliminary Traffic Study for any proposed development project proposed for the subject Township land.

**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.

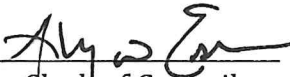
**SECTION 3.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

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PASSED: June 6, 2022

ATTEST:   
Clerk of Council

APPROVED AS TO FORM:

  
Director of Law

  
President of Council

APPROVED: June 7, 2022  
  
Mayor