

# BEREA CITY COUNCIL

*City of Berea, Ohio*

ORDINANCE NO. 2023- \_\_

By: \_\_\_\_\_

Sponsor: Mayor Cyril M. Kleem

## **AN ORDINANCE**

**AMENDING SECTION 304.06, SPECIFIC STANDARDS FOR EACH CONDITIONAL USE, AND REPEALING AND REPLACING SECTION 203.02, PERMITTED USES, SECTION 200.07, LAND USE MATRIX (TABLE 1), AND CHAPTER 400, DEFINITIONS, OF THE ZONING CODE OF THE CITY OF BEREA TO ALLOW LIMITED COMMERCIAL ACTIVITIES IN A MULTI-FAMILY RESIDENTIAL ZONING DISTRICT AND TO ESTABLISH A MIXED-USE EVENT VENUE IN A MULTI-FAMILY RESIDENTIAL ZONING DISTRICT.**

**WHEREAS**, the Zoning Code of the City of Berea does not allow any commercial uses in properties that are zoned Multi-Family Residential (MFR); and

**WHEREAS**, the Council of the City of Berea finds that to foster dynamic development of properties that are zoned MFR and are situated adjacent to parcels zoned Commercial Center (CC) along all common property lines, including any parcel located directly across a public or private roadway, it is appropriate and consistent with the current Zoning Code to allow limited commercial uses in an MFR Zoning District; and

**WHEREAS**, allowing limited commercial uses, specifically Artist's Studios, General Business Offices, and Studios (Dance, Music, Voice and Martial Arts) as Permitted Uses would promote appropriate and harmonious land use on properties that are zoned MFR and are adjoined on all property lines by properties zoned CC; and

**WHEREAS**, the addition of a Mixed-Use Event Venue as a Conditional Use in the MFR Zoning District will benefit both the residents of the multi-family residential building and the public at-large.

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

**SECTION 1.** That Section 203.02, Permitted Uses, of Chapter 203, MFR Multi-Family Residential Zoning District, of the Zoning Code of the City of Berea, which has heretofore read as follows:

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### **Section 203.02      Permitted Uses**

- (A)    Uses permitted in the MFR zoning district are provided for in the Land Use Matrix Table in §200.07.
- (B)    Any use not designated as a permitted use for the MFR zoning district in the Land Use Matrix Table shall not be permitted in this district.

**shall be repealed and replaced in its entirety with:**

### **Section 203.02      Permitted Uses**

- (A)    Uses permitted in the MFR zoning district are provided for in the Land Use Matrix Table in §200.07.
- (B)    Any use not designated as a permitted use for the MFR zoning district in the Land Use Matrix Table shall not be permitted in this district.
- (C)    Mixed-use Building. When an MFR zoned parcel is situated adjacent to parcels zoned Commercial Center (CC) along all common property lines, including any parcel located directly across a public or private roadway, the MFR zoned parcel may establish limited commercial uses in the following categories: Artist's Studio; General Business Office; and Studio (Dance, Music, Voice and Martial Arts) as a Permitted Use.

The limited permitted commercial uses stated above may only be located on the first floor of the building and shall occupy no more than 50% of the total first floor area when adequate parking is available on site to support both the limited commercial uses and the residential dwelling units.

**SECTION 2.** That Section 304.06, Specific Standards for Each Conditional Use, shall be amended to add new sub-Section 304.06(CC), which shall read as follows:

### **Section 304.06(CC)      Mixed-Use Event Venue.**

- (1)    When an MFR zoned parcel is situated adjacent to non-residential zoned parcels along all property lines, including any non-residential zoned parcel located directly across a public or private roadway, the MFR zoned parcel may seek Conditional Use approval to operate a mixed-use event venue satisfying the procedure and applicable standards set forth in this Chapter.

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- (2) A mixed-use event venue may only be located on the first floor of the building and may occupy up to 100% of the first-floor area when adequate parking is available on site to support both the event venue and the residential dwelling units.
- (3) A mixed-use event venue shall be limited to the following hours of operation: 7:00 a.m. to 11:00 p.m. Sunday through Thursday and 7:00 a.m. to 12:00 a.m. Friday and Saturday.
- (4) A mixed-use event venue shall not prepare food on site. Food prepared off site may be served on site.
- (5) Any outdoor activity areas including, but not limited to, dining, seating, recreation and entertainment areas may be approved by the Planning Commission on a case-by-case basis.
- (6) No mixed-use event venue shall create an excessive amount of noise, odors, vibrations or other detrimental impacts to the multifamily dwelling residents on-site or users of adjacent parcels.
- (7) Applicant must declare the specific types of events that will be hosted at a mixed-use event venue in the Conditional Use Application. If new events are proposed for the event venue, the Applicant must seek approval for the new events from the Planning Commission following the procedure set forth in Section 304.03.

**SECTION 3.** That Chapter 400, Definitions, of the Zoning Code, which has heretofore read as designated in **Exhibit A**, which is attached hereto and incorporated herein by reference, shall be repealed and replaced in its entirety with Chapter 400, Definitions, as designated in **Exhibit B**, which is attached hereto and incorporated herein by reference.

**SECTION 4.** That Section 200.07, Land Use Matrix Chart of Permitted and Conditional Uses (Table 1), which has heretofore read as designated in **Exhibit C**, which is attached hereto and incorporated by reference, shall be repealed and replaced with Section 200.07, Land Use Matrix Chart of Permitted and Conditional Uses (Table 1), as designated in **Exhibit D**, which is attached hereto and incorporated herein by reference.

**SECTION 5.** 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

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

PASSED:

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President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED:

APPROVED AS TO FORM:

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Mayor

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Director of Law