

**ORDINANCE NO. 2016-84
INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE PLACING A MORATORIUM ON
THE OPERATION OF ANY BED AND BREAKFAST
ESTABLISHMENT IN THE CITY, AND
DECLARING AN EMERGENCY**

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Lyndhurst has the power to enact planning and zoning laws that are intended to protect the health, welfare and safety of the citizens of the City; and

WHEREAS, the City of Lyndhurst has enacted such a Comprehensive Zoning Ordinance; and

WHEREAS, in that Ordinance the establishments known as Bed and Breakfasts are permitted only as conditional uses in the Mixed Use Overlay District; and

WHEREAS, the Director of Law of the City has determined that Bed and Breakfasts are not permitted in any other Zoning District in the City; and

WHEREAS, there has been an increase of Bed and Breakfast establishments in the Cleveland Metropolitan Area generated through internet sites such as Airbnb.com; and

WHEREAS, Council desires to review Bed and Breakfast legislation, and to enact reasonable regulations as to the size, number and location of such establishments; and

WHEREAS, until such regulations are established Council desires to enact a moratorium on the operation of any Bed and Breakfast establishment in the City. Now, therefore,

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

SECTION 1. Council hereby establishes a moratorium until April 3, 2017, prohibiting the operation of any Bed and Breakfast establishment in the City of Lyndhurst.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that it is necessary to impose this moratorium immediately so as not to mislead any individuals seeking to establish or continue such establishments. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: _____ October 17, 2016 _____

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 October 27, 2016 and November 3, 2016 .

Clerk of Council

First Reading: October 17, 2016

Second Reading: Suspended

Third Reading: Suspended

Passed 10-17-2016