

BILL NO.: 4876

ORDINANCE NO.: \_\_\_\_\_

Introduced by: Mayor Babatunde Deinbo

**AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, REPEALING  
ORDINANCE 4320 WHICH LIMITS THE RENTAL HOUSES TO 30-PERCENT PER  
BLOCK**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY,  
MISSOURI, AS FOLLOWS:**

**Section 1.** Ordinance 4320 “Limitation of Rental Houses in Neighborhoods to 30-Percent Per Block” which, received final passage by the Council on September 19, 2016, is hereby repealed.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 16<sup>th</sup> day of May 2022

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2022

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2022

\_\_\_\_\_  
Babatunde Deinbo, Mayor

ATTEST:

Final Roll Call:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

Councilwoman Verges	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Crawford-Graham	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___

\_\_\_\_\_  
Approved as To Form:  
Donnell Smith, City Attorney

Introduced by: Council Members Present

**AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, CREATING A NEW SECTION 510.165 OF THE CODE, ENTITLED "LIMITATION OF RENTAL HOUSES IN NEIGHBORHOODS TO 30-PERCENT PER BLOCK"**

**WHEREAS**, the City of Berkeley is faced with an increased number of vacant and deteriorating homes that are unfit for habitation; and those that are individually and corporately owned as rental units that has become difficult to manage; and,

**WHEREAS**, the City desires to strengthen its Housing Code by creating a 30-percent limitation of single-family rental homes per residential block.

**Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:**

**Section 1** Purpose

The City seeks to create a positive impact in city neighborhoods by creating an atmosphere for residents to enjoy a good quality of life by creating a 30-percent limitation of single family rental home per residential blocks.

**Section 2** Classification

Limitation of rental housing in city neighborhoods. In R1, R2, and R3 districts of the city shall have no more than 30-percent rounded up of the lots on any block shall be eligible to obtain certification and annual rental license as a rental property. When determining the number of eligible properties on a block the number shall be the lowest number that results in 30 percent or more of the residential lots being rental. In cases in which one portion of the block is in an affected zone and another is in an exempt zone, only the affected portion is subject to this regulation.

**Section 3** Exceptions

This limitation shall not apply to rental properties which are already in place as of the date of adoption of this ordinance. The latter will be counted among the 30-percent of allowable rental houses for purposes of determining whether new licenses may be issued.

**Section 4** Exempt Districts

Property located within the following zoning districts are exempt from this rule are R4, C1, C2, C3, M1, M2, AD, AD-3, and P-1. Notwithstanding the foregoing a property owner whose property is subject to the 30-percent limitation may obtain a temporary rental license for his or her property for a period of time not exceeding 12 consecutive months under the following conditions:

1. The property is actively being offered for sale to the public by the owner or by any authorized agent of the owner during the license term.
2. The property shall be temporarily licensed for rental purposes only if the property complies with all applicable City rental housing requirements

3. The property shall be licensed only for one for one of the following: a one adult living alone or two unrelated adults living together with any dependents by birth, adoption or law, or any number of person related by blood, marriage, adoption, or law.
4. The temporary rental housing license shall terminate immediately upon the closing of a sale of the property to a purchaser or at the end of the license term whichever event first occurs.
5. A copy of the lease agreement shall be deposited with the City Public Works Inspections Division within one week from the date of the execution of the lease and before an occupancy permit will be issued.

## **Section 5**

### **Definitions**

Where terms are not defined they shall have their ordinary accepted meanings within the context with which they are used, Webster Third New International Dictionary of the English Language Unabridged copyright 1986 shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

*BLOCK* is a group of properties bounded entirely by streets, public land, railroad, rights of way, zoning district lines, corporate limit lines, or physical features such as rivers, ponds, or lakes provided that final delineation of a block shall be made by City staff.

*DWELLING* is a building wholly or partly used or intended to be used for living sleeping cooking or eating purposes by human occupants but not including hotels and motels.

*DWELLING UNIT* is a room or a group of rooms located within a dwelling or forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating purposes.

*HABITABLE ROOM* is a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathrooms, water closet, compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

*HOT WATER* is water supplied to plumbing fixtures at a temperature of not less than 120 degrees F 49 degrees C.

*INFESTATION* is the presence of insects', rodents, or other pests within or around the dwelling on the premises.

*LANDLORD RENTAL LICENSE-REQUIRED* 500.170

*LET* is to give the use of a dwelling unit or rooming unit by an owner or manager to a tenant in return for rent.

*OCCUPANT* is one or more persons occupying and maintaining a common household in a single dwelling unit.

OCCUPANCY PERMIT 400.440 issued by the Public Works Inspection Division to establish that the property is suitable for habitation by meeting health, safety, and welfare standards.

OWNER is a person firm or corporation who alone jointly or severally with others owns or has an ownership interest in a dwelling unit or rooming unit within the city.

RENT is a stated return or payment for the temporary possession of a dwelling unit or rooming unit. The return or payment may be money or service or property.

**Section 6**      Effective Date  
This Ordinance shall become effective January 1, 2017.

1<sup>st</sup> Reading this 02<sup>nd</sup> day of May 2016

2<sup>nd</sup> Reading this 19<sup>th</sup> day of September 2016

3<sup>rd</sup> Reading, PASSED and APPROVED, this 19<sup>th</sup> day of September 2016

ATTEST:

  
Theodore Hoskins, Mayor

  
Deanna L. Jones, City Clerk

Final Roll Call:

Mayor Hoskins	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Hoskins	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input checked="" type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Kirkland	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Mathison	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilman-at-Large McDaniel	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Mitchell	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>
Councilwoman Williams	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>	Abstain <input type="checkbox"/>