

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 09 – 24 - 49

A RESOLUTION ENACTING AN IMMEDIATE TEMPORARY 180 DAY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE, AND/OR BUILDING PERMIT APPROVALS FOR RESIDENTIAL CARE FACILITIES AND CONGREGATE RESIDENTIAL FACILITIES WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens; and

WHEREAS, Clayton Codified Ordinance Section 1181.01 defines “Residential Care” and “Congregate Residential” facilities; and

WHEREAS, the City of Dayton, Ohio, via adoption of Resolution 6813-24, recently placed a temporary 180 day moratorium on the acceptance and processing of zoning applications relative to residential facilities in order to more effectively address concerns that its zoning regulations “...lack specificity and guidance for proper siting and quality standards for residential group homes...”; and

WHEREAS, the aforementioned City of Dayton, Ohio Resolution 6813-24 indicates the City of Dayton will “...gather data and create an orderly system of review for any future application under any new regulations adopted...”; and

WHEREAS, Council desires to adopt the present 180 day temporary moratorium in order to review and analyze the results of the City of Dayton study referenced in City of Dayton, Ohio Resolution 6813-24 and how the actions taken by the City of Dayton may impact applications for residential care and/or congregate residential facilities within the City of Clayton, Ohio, and in order to ensure the public peace, health, safety, and welfare of the citizens of Clayton, Ohio; and

WHEREAS, this moratorium shall not affect projects which have already received authorization and permits prior to the effective date of the adoption of the present moratorium or have a current application pending; and

WHEREAS, those applications pertaining to the provision of housing for a protected class, as defined by the Fair Housing Act or by state law, shall not be affected by this temporary moratorium.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

Section 1: That an immediate and temporary moratorium of 180 days be implemented on the acceptance and processing of applications for zoning, occupancy, conditional use, and/or

building permit approvals, and associated pre-occupancy inspections for residential care facilities and congregate residential facilities within the City of Clayton, Ohio. **Said moratorium shall expire on March 4, 2025 unless earlier revoked by Council before March 4, 2025.**

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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.

ADOPTED BY COUNCIL ON SEPTEMBER 5, 2024.

AUTHENTICATION:

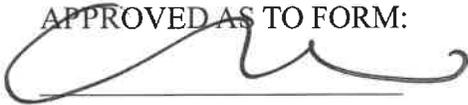


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

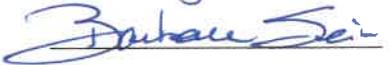
This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Eaton Register Herald

September 11, 2024



CLERK