

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R – 02 – 25 - 19

### **A RESOLUTION EXTENDING, UP TO AND INCLUDING MARCH 4, 2026, THE PREVIOUSLY APPROVED 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**, via enactment of Resolution No. R-09-24-49 on September 5, 2024, Council adopted a 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 and said moratorium is scheduled to expire on March 4, 2025; and

**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**, Council desires to extend the present 180-day temporary moratorium **until and including March 4, 2026** in order to provide additional time to gather data and review land use regulations to determine what new regulations, if any, should be adopted to facilitate orderly development and regulation of Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio; and

**WHEREAS**, Council has determined extending the current moratorium **until and including March 4, 2026** will provide the City with the time necessary to conduct a meaningful review of siting and standards for Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio; and

**WHEREAS**, this moratorium shall not affect projects which have already received authorization and permits prior to the effective date of Resolution No. R-09-24-49 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 the immediate and temporary moratorium of 180 days adopted by Council via enactment of Resolution No. R-09-24-49 on September 5, 2024 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 is hereby extended **to and including March 4, 2026. Said moratorium shall expire on March 5, 2026 unless earlier revoked by Council before March 5, 2026.**

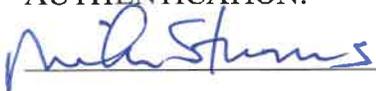
**Section 2:** Council seeks to limit the duration of the moratorium as set forth herein and, therefore, instructs City Staff and the Planning Commission to immediately and expeditiously undertake their review to determine what changes, if any, should be made to the Clayton Codified Ordinances as it relates to Residential Care Facilities and Congregate Residential Facilities.

**Section 3:** City Council hereby orders and directs that no new 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 be accepted, nor shall any new permits be issued allowing the startup, building, development or improvements (required maintenance excepted) concerning Residential Care Facilities and Congregate Residential Facilities within the City of Clayton, Ohio **through and including March 4, 2026**, unless said application applies to the provision of housing for a protected class, as defined by the Fair Housing Act or by state law. This moratorium shall not affect projects which have already received authorization and permits prior to the effective date of Resolution No. R-09-24-49 or have a current application pending.

**Section 4:** 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 FEBRUARY 20, 2025.

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

Edon Register Herald  
Debra J. Seir

February 26, 2025

CLERK