

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

February 20, 2025

OLD BUSINESS

ORDINANCES: COUNCIL VOTED TO TABLE THIS ORDINANCE TO THE NEXT REGULAR MEETING OF COUNCIL ON MARCH 6, 2025

ORDINANCE NO. O – 01 – 25 – 02

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF SDG WARNER VILLAGE LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL SINGLE UNIT DISTRICT (RSD) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 183.1044 ACRES OF PROPERTY LOCATED NEAR THE INTERSECTION OF SWEET POTATO RIDGE ROAD AND MAIN STREET BEARING PARCEL I.D. NO. M60 03010 00001 WITHIN THE CITY OF CLAYTON, OHIO

WHEREAS, on or about November 6, 2024, an application was filed by the property owner, SDG Warner Village LLC, for property located near the intersection of Sweet Potato Ridge Road and Main Street consisting of Parcel I.D. Number M60 03010 0001 and containing 183.1044 acres within the City of Clayton, Ohio ("Subject Property") and requesting a zoning change for same from Residential Single Unit District (RSD) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on December 16, 2024, on said re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said meeting, *voted to approve, with specified conditions (Exhibit A), the re-zoning and Preliminary Development Plan request*; and

WHEREAS, the Clayton City Council held a public hearing on January 16, 2025, on the aforesaid re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon.

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

1. That the Council hereby Adopts the Planning Commission's *recommendation of approval of the re-zoning and Preliminary Development Plan, with specified conditions (Exhibit A)*.

2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on February 6, 2025 and February 20, 2025.

4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2025

NEW BUSINESS

RESOLUTIONS: COUNCIL VOTED TO TABLE THIS RESOLUTION TO THE NEXT REGULAR MEETING OF COUNCIL ON MARCH 6, 2025

RESOLUTION NO. R – 02 – 25 – 17

A RESOLUTION RE-APPOINTING TOM WALKER AS A MEMBER OF THE LOCAL BOARD OF TAX REVIEW

WHEREAS, Clayton Codified Ordinance Section 183.18 provides for the establishment and maintenance of a Local Board of Tax Review to hear appeals as provided in Ohio Revised Code Chapter 718; and

WHEREAS, Clayton Codified Ordinance Section 183.18 requires the legislative authority of the City of Clayton to appoint two members to the Local Board of Tax Review who must be domiciled within the City of Clayton and may not be employees, elected officials, or contractors with the City of Clayton at any time during their term or in the five years immediately preceding the date of appointment; and

WHEREAS, the term of Tom Walker on the Tax Review Board expires March 7, 2025 and Council desires to re-appoint Tom Walker as a member of the Local Board of Tax Review to fill the vacant seat.

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

1. That Tom Walker is hereby reappointed to the Local Board of Tax Review for a 2-year term commencing March 8, 2025 and ending March 7, 2027.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2025

RESOLUTIONS: (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R – 02 – 25 –18

A RESOLUTION RE-APPOINTING CHRISTINE BACHMAN AS A MEMBER OF THE LOCAL BOARD OF TAX REVIEW

WHEREAS, Clayton Codified Ordinance Section 183.18 provides for the establishment and maintenance of a Local Board of Tax Review to hear appeals as provided in Ohio Revised Code Chapter 718; and

WHEREAS, Clayton Codified Ordinance Section 183.18 requires the legislative authority of the City of Clayton to appoint two members to the Local Board of Tax Review who must be domiciled within the City of Clayton and may not be employees, elected officials, or contractors with the City of Clayton at any time during their term or in the five years immediately preceding the date of appointment; and

WHEREAS, the term of Christine Bachman on the Tax Review Board expires March 7, 2025 and Council desires to re-appoint Christine Bachman as a member of the Local Board of Tax Review.

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

1. That Christine Bachman is hereby re-appointed to the Local Board of Tax Review for a 2-year term commencing March 8, 2025 and ending March 7, 2027.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2025

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

RESOLUTIONS: COUNCIL VOTED TO TABLE THIS RESOLUTION TO THE NEXT REGULAR MEETING OF COUNCIL ON MARCH 6, 2025

RESOLUTION NO. R – 02 – 25 – 20

A RESOLUTION AMENDING COUNCIL RULE IV (7) PERTAINING TO MOTIONS TO RECONSIDER

WHEREAS, Council last revised its Rules of Council via adoption of Resolution No. R-01-22-01 on January 6, 2022; and

WHEREAS, Council desires to revise and adopt Council Rule IV (7) regarding Motions To Reconsider, as delineated in the attached *Exhibit A*.

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

1. That revised Council Rule IV (7) as delineated in the attached *Exhibit A*, with deletions in ~~strike through~~ and additions in **bold**, is hereby approved and said Council Rule is so amended.
2. All other Rules of Council not amended by this Resolution shall remain unchanged and in full force and effect.

ADOPTED BY COUNCIL ON FEBRUARY 20, 2025
