

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 02 – 26 – 22

A RESOLUTION EXTENDING, UP TO AND INCLUDING MARCH 4, 2027, THE PREVIOUSLY APPROVED 365 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-02-25-19 on February 20, 2025, Council adopted a temporary 365-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, 2026; 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 365-day temporary moratorium until and including March 4, 2027 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, 2027 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 365 days adopted by Council via enactment of Resolution No. R-02-25-19 on February 20, 2025 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, 2027. Said moratorium shall expire on March 5, 2027 unless earlier revoked by Council before March 5, 2027.

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 pennits 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, 2027, 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.

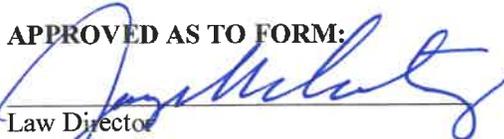
ADOPTED BY COUNCIL ON FEBRUARY 19, 2026

ATTEST:


Barbara Seim, Clerk

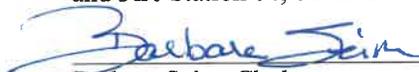

Ryan Farmer, Mayor

APPROVED AS TO FORM:


Law Director

CERTIFICATE

The undersigned, Clerk of the City of Clayton, Ohio does hereby certify that the foregoing is a true and correct copy of Resolution No. R-02-26-22 passed by the Council of said City on the 19th day of February 2026, and that the foregoing Resolution No. R-02-26-22 was posted at the City Building, Fire Station 83 and Fire Station 84, on the 20th day of February 2026, to the 5th day of March 2026, both days inclusive.


Barbara Seim, Clerk