

1189.21 GROUP HOMES.

(a) **Scope: This section shall apply to Group Homes as defined by this Zoning Code.**

(b) **Definitions.**

(1) **For definitions, see Chapter 1123 Definitions of Part Eleven Planning and Zoning Code, Title Five Zoning Administration.**

(2) **For purposes of this Section, “Applicant” means the person submitting an application for a Group Home.**

(3) **For purposes of this Section, “Permit Holder” means any person who possesses or is required to possess a permit for a Group Home pursuant to this Section.**

(4) **For the purposes of this Section, “person” shall refer to any individual, partnership, association, company, firm, trust, corporation, government corporation, non-profit, department, bureau, agency or any other entity recognized by law.**

(c) **Permit Required.**

(1) **No person shall operate a Group Home or knowingly permit the operation of a Group Home without first submitting an application for a zoning permit and procuring a zoning permit.**

(d) **Permit Requirements.**

(1) **The Applicant for a Group Home shall submit the following to the Zoning Administrator:**

A. State or local license, certification or approval or evidence that authorization is forthcoming from the applicable State or local governmental body.

1. If the application is for an Adult Group Home, license or approval from the Department of Mental Health or other applicable agency.

2. If the application is for a Youth Group Home, license or approval from the Department of Job and Family Services or other applicable agency.

B. Written approval from the Fire Chief, issued after inspection for compliance with applicable fire safety standards.

C. Approvals from other applicable zoning departments.

D. If the Applicant is not the owner of the property in which the Group Home is located, then the Applicant shall provide a notarized letter from the property owner approving the property for use as a Group Home.

E. A letter of intent containing the following information:

1. The name(s), address(es), and telephone number(s) of:

a. The owner(s) of the property on which the Group Home is located.

b. The operator(s) of the Group Home.

2. Proof of business registration or Federal ID number.

3. The maximum number of individuals to reside in the Group Home, the general nature of their needs, and the assistance to be provided.

4. The age range of individuals to reside in the Group Home.

5. The house rules of the Group Home, along with a statement of the level of supervision that is to be provided.

F. A communications plan and emergency plan which includes, but is not limited to:

1. who to call when a problem arises (i.e., the person in charge of the Group Home) and the phone number for this person;

2. a current list of the residents living in the Group Home, which identifies each resident's name and age; and

3. where medications, if any, are stored within the Group Home.

G. A statement of admission procedures and policy.

H. Interior layout of the Group Home with dimensions.

I. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas.

(2) The Applicant shall contact neighbors within 300 feet of the proposed Group Home to notify them that a Group Home application will be submitted.

(3) The Zoning Administrator or his or her designee shall issue a permit to those Applicants who satisfy the permit requirements as listed herein.

(4) Once a permit is issued to an Applicant, the permit is non-transferable.

(5) Failure to provide any of the information required in a permit application for the permit renewal, or providing false or misleading information may be grounds for denial.

(e) Permit Renewal.

- (1) Every permit issued for the establishment of a Group Home shall annually be renewed by the Permit Holder with the Zoning Administrator.
- (2) Upon satisfaction that the Group Home is in compliance with applicable zoning regulations, fire codes, and/or building codes, the Zoning Administrator shall renew the permit for a period of one year.
- (3) If a Group Home ceases operation or is vacant for one year or more, the permit cannot be renewed. A new application is required.

(f) Communications Plan and Emergency Plan.

- (1) The communications plan and emergency plan shall be conspicuously posted in the Group Home such that emergency responders may easily access it in an emergency.
- (2) Thee communications plan and emergency plan shall contain a current list of residents, including their names and ages. This list should be updated periodically to ensure accuracy of information.

(g) Concentration.

Cross Reference Ohio Revised Code Section 5119.341.

- (1) No permit shall be issued for a new Group Home that will be located within a 500-foot radius of another Group Home already in lawful operation except as provided in subsection (g)(2). Those Group Homes that are in lawful operation on the effective date of this section may be issued a permit notwithstanding the 500 foot limit, provided they are in compliance with all the other sections of this Section.
- (2) An applicant for a Group Home may request a variance of the 500 foot requirement by completing a variance application with the Board of Zoning Appeals as provided in Chapter 1129 of the Zoning Code.

1189.22 CHILD DAY CARE CENTERS, TYPE A FAMILY DAY CARE HOMES, AND TYPE B FAMILY DAY CARE HOMES.

(a) Definitions.

(1) “Child Day Care Center” means any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) or more children at one time. Cross Reference Ohio Revised Code 5104.01.

(2) “Type A Family Day Care Home” means:

A. the permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time;

-or-

B. a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two years of age.

Cross Reference Ohio Revised Code Section 5104.01.

(3) “Type B Family Day Care Home” means a permanent residence of the provider in which care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time. Cross Reference Ohio Revised Code Section 5104.01.

(4) “Permit Holder” means any person who possesses or is required to possess a permit for a Child Day Care Center, Type A Family Day Care Home, or Type B Family Day Care Home pursuant to this Section.

(b) Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes shall be permitted to be established in accordance with the provisions contained in this Zoning Ordinance.

(c) The maximum number of children in average daily attendance at a Child Day Care Center, Type A Family Day Care Home, and Type B Family Day Care Home shall be in strict compliance with the requirements of applicable Ohio law.

(d) Child Day Care Center.

(1) An applicant for a permit to operate a Child Day Care Center shall submit the following information to the Zoning Administrator:

A. A license authorizing operation of a Child Day Care Center from the Department of Job and Family Services, State of Ohio.

1. In no instance will the Zoning Administrator consider renewing a permit if a license has not been granted to operate such facility within a 365-day period commencing at the time a permit was originally approved.

B. The name(s) of the individual(s) and/or agency responsible for administering day care services.

C. Proof of business registration with the department of state and/or FEIN number.

D. Proof of registration with the City of Trotwood tax department.

E. The proposed hours of operation of the Child Day Care Center.

F. The number of children anticipated to be in average daily attendance at the Child Day Care Center.

G. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.

H. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.

I. Communication plan.

(2) Within a residential zoning district, no Child Day Care Center shall be permitted to be established except in conjunction with a school, church, community center, temple, synagogue or public building.

A. A Child Day Center is not permitted to continue to operate in a location that has been closed or vacated.

B. If a school, church, community center, temple, synagogue or public building closes or becomes vacant, the Permit Holder shall submit a new permit application to re-locate to another school, church, community center, temple, synagogue or public building.

(e) Type A Family Day Care Homes.

(1) An applicant for a permit to operate a Type A Family Day Care Home shall submit the following information to the Zoning Administrator:

A. A license authorizing operation of a Type A Family Day Care Home from the Department of Job and Family Services, State of Ohio.

1. In no instance will the Zoning Administrator consider renewing a permit if a license has not been granted to operate such facility within a 365-day period commencing at the time a permit was originally approved.

B. The name(s) of the individual(s) and/or agency responsible for administering day care services.

C. Proof of registration with the City of Trotwood tax department.

D. The proposed hours of operation of the Type A Family Day Care Home.

E. The number of children anticipated to be in average daily attendance at the Type A Family Day Care Home.

F. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.

G. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.

H. Communication plan.

I. Evidence that the Type A Family Day Care Home provider will be the resident occupant of the property proposed to be used as a day care home.

(f) Type B Family Day Care Homes.

(1) An applicant for a permit to operate a Type B Family Day Care Home shall submit the following information to the Zoning Administrator:

A. A license authorizing operation of a Type B Family Day Care Home from the Department of Job and Family Services, State of Ohio.

1. In no instance will the Zoning Administrator consider renewing a permit if a license has not been granted to operate such facility within a 365-day period commencing at the time a permit was originally approved.

B. The name(s) of the individual(s) and/or agency responsible for administering day care services.

C. Proof of registration with the City of Trotwood tax department.

D. The proposed hours of operation of the Type B Family Day Care Home.

E. The number of children anticipated to be in average daily attendance at the Type B Family Day Care Home.

F. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the day care center, as well as evidence that such building is free of any violations of local and/or State laws or codes.

G. Plans and drawings which show the location and dimensions of the lot, the location and dimensions of any existing or proposed structures on the lot, floor plans, points of ingress and egress, landscaping and/or screening areas, and recreation and open space facilities.

H. Evidence that the Type B Family Day Care Home provider will be the resident occupant of the property proposed to be used as a day care home.

(g) Additional Zoning Requirements for Child Day Care Centers and Type A Family Day Care Homes:

(1) All Child Day Care Centers and Type A Family Day Care Homes shall meet the following minimum standards:

- A. Side and/or rear yards used for outdoor play space shall contain at least a four foot high fence, or otherwise be protected from traffic or other hazards, and, shall contain not less than 60 square feet of outdoor play space per child in average daily attendance.**
- B. No Child Day Care Center or Type A Family Day Care Home shall be permitted to be established within 500 feet of another Child Day Care Center or Type A Family Day Care Home.**
- C. Every permit issued for the establishment of a Child Day Care Centers and Type A Family Day Care Homes shall annually be renewed by the administrator of such facility with the Zoning Administrator and provide all documents.**