

ORDINANCE NO. OR20-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL AMENDING “PART ELEVEN – PLANNING AND ZONING CODE” OF THE TROTWOOD CODES OF ORDINANCES BY REPEALING AND REPLACING SECTIONS 1123.02, 1133.04, 1141.04, 1143.04, 1145.04, 1147.04, 1149.04, 1151.04, 1153.04, 1155.04, AND RELEVANT CATEGORIES OF APPENDIX B SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT, AND CREATING NEW SECTIONS 1189.21 “GROUP HOMES” AND 1189.22 “CHILD DAY CARE CENTERS, TYPE A FAMILY DAY CARE HOMES, AND TYPE B FAMILY DAY CARE HOMES” TO UPDATE REGULATIONS CONCERNING GROUP HOMES AND DAY CARES, AND DECLARING AN EMERGENCY.

WHEREAS, “Part Eleven – Planning and Zoning Code” (the “Zoning Code”) of the Trotwood Codes of Ordinances classifies group homes and day cares as conditional uses in residential districts and provides for special standards and regulations of group homes and day cares; and

WHEREAS, the City of Trotwood Planning and Development Director has recommended that City Council update how the City of Trotwood regulates group homes and day cares by updating Section 1123.02 “Definitions” of the Zoning Code to align with the Ohio Revised Code; and

WHEREAS, the City of Trotwood Planning and Development Director has recommended that City Council remove the conditional use classifications for group homes and day cares and that new Sections 1189.21 “Group Homes” and 1189.22 “Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes” of the Zoning Code be created to align with the requirements and regulations set forth in the Ohio Revised Code and applicable federal fair housing laws; and

WHEREAS, City Council accepts the recommendations made by the Planning and Development Director and, therefore, will amend the Zoning Code of the Trotwood Codes of Ordinances by repealing and replacing Sections 1123.02 “Definitions”, 1133.04 “Special Standards and Considerations”, 1141.04 “Conditionally Permitted Uses”, 1143.04 “Conditionally Permitted Uses”, 1145.04 “Conditionally Permitted Uses”, 1147.04 “Conditionally Permitted Uses”, 1149.04 “Conditionally Permitted Uses”, 1151.04 “Conditionally Permitted Uses”, 1153.04 “Conditionally Permitted Uses”, 1155.04 “Conditionally Permitted Uses”, and relevant categories of Appendix B Schedule of Permitted and Conditional Uses by District, and creating new Sections 1189.21 “Group Homes” and 1189.22 “Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes” as set forth herein; and

WHEREAS, City Council has determined that due to social welfare considerations, the desire to foster safe and supportive housing for vulnerable populations, and the need to comply with state and federal fair housing laws, it is necessary that this Ordinance take immediate effect.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I: “Part Eleven – Planning and Zoning Code” of the Trotwood Codes of Ordinances is hereby amended as set forth herein.

SECTION II: Sections 1123.02 “Definitions”, 1133.04 “Special Standards and Considerations”, 1141.04 “Conditionally Permitted Uses”, 1143.04 “Conditionally Permitted Uses”, 1145.04 “Conditionally Permitted Uses”, 1147.04 “Conditionally Permitted Uses”, 1149.04 “Conditionally Permitted Uses”, 1151.04 “Conditionally Permitted Uses”, 1153.04 “Conditionally Permitted Uses”, and 1155.04 “Conditionally Permitted Uses” are hereby repealed in their entirety and replaced as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION III: Relevant categories of Appendix B Schedule of Permitted and Conditional Uses by District of the Trotwood Codes of Ordinances are hereby repealed and replaced as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~. All other categories of Appendix B of the Trotwood Codes of Ordinances not specifically modified herein shall remain in full force and effect as previously adopted.

SECTION IV: New Sections 1189.21 “Group Homes” and 1189.22 “Child Day Care Centers, Type A Family Day Care Homes, and Type B Family Day Care Homes” are hereby created and enacted as set forth in Exhibit B attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strikethrough~~.

SECTION V: In order to meet the social welfare needs of the Trotwood community and to comply with state and federal fair housing laws, Trotwood City Council hereby determines that an emergency exists which requires the expedited implementation of this Ordinance.

SECTION VI:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

SECTION VII:

In accordance with Section 4-6 of the Charter of the City of Trotwood, State of Ohio, this Ordinance shall take effect immediately upon its adoption by Council.

Passed this **5th** day of **June, 2023**.

ATTEST:

APPROVED:

KARA B. LANDIS
CLERK OF COUNCIL

MARY A. MCDONALD
MAYOR

YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR20-23** adopted by the Trotwood City Council at a regular scheduled meeting held on the **5th** day of **June, 2023**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL