

1189.21 GROUP HOMES.

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

(b) Intent. It is the intent of these standards to ensure that residents of group homes are provided with accommodations that are safe, clean, and maintained. Group Homes for foster care, mental health care and support, addiction recovery, assistance for the elderly and other supportive care group homes are valuable housing options within the community. Group homes must be sited appropriately to gain the advantages of their location within stable neighborhoods. The planning for siting and location is often conducted by an operator who hires staff to provide direct care and support. Homes are then open to children or adults in crisis or needing supportive care. This section provides minimum standards to prevent unsafe or substandard outcomes for future residents of these homes.

(c) Reasonable Accommodation. Upon request, the Zoning Administrator is empowered to provide reasonable accommodation for protected classes under the Fair Housing act, and shall provide by policy a process for specific requests for reasonable accommodation.

~~(b)~~ **(d) 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)~~ **(2)** For purposes of this Section, "Permit Holder" "**Group Home Operator**" means any person who possesses or is required to possess a permit for a Group Home pursuant to this Section. **or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the Group Home Operator for a residential facility license and/or zoning certificate.**

(3) For the purposes of this Section, "Bedroom" means an enclosed habitable space within a residential structure intended for sleeping purposes that meets the minimum requirements of applicable county, state, or federal codes. This definition shall not include any room not intended for sleeping such as an office, storage space, or other room type.

~~(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.

~~(e)~~ **(e) Permit and Proper Licensing Required.**

(1) No ~~person~~ **Group Home Operator** 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.

- (2) No Group Home Operator shall operate a Group Home or knowingly permit the operation of a Group Home without the appropriate state and/or county license related to the type of Group Home.**
 - (3) Group home applications shall submit all information required in TCO 1189.21(g). An application missing any of these items shall be considered an incomplete application and shall be denied.**
 - (4) Every permit issued for the establishment of a group Home shall annually be renewed by the Group Home Operator with the Zoning Administrator. This shall include zoning permits issued for Group Homes that are still under review by any other agency.**
 - (5) An initial or renewal application may be denied on the basis of open complaints, violations, and corrective action required by the State of Ohio affecting the Group Home Operator's license.**
 - (6) Providing false or misleading information shall be grounds for denial.**
 - (7) Zoning certificates that have been issued on the basis of false representations of the details of a license or other relevant details are subject to revocation.**
 - (8) Due to the amount of information required, all group home applications shall receive one comment letter from staff indicating any questions, comments, or missing information from the application. This comment comments, or missing information from the application. This comment letter will be e-mailed to the e-mail address listed on the application. Applicants are given 14 days from the date of the comment letter to answer all staff questions and send in additional information. If, after the resubmittal or resubmittal date, comments, questions, or information are still missing or outstanding, the application shall be denied.**
 - (9) Once a permit is issued to a Group Home Operator, the permit is non-transferable. Group Home Operators shall be required to submit a new application prior to the transfer of the group home to a new operator.**
- (f) Group Home Requirements.**

- (1) To prevent danger of fire spread and negative health impacts, no foster care group home shall be sited within the same block face, or adjacent to a vacant home boarded, or declared a public nuisance by the City. This standard shall not apply retroactively should a home within this distance fall into this state during the operation of the group home. The Zoning Administrator may provide exceptions to this standard based on the specific circumstances of the home declared a nuisance, or based on other factors seen as relevant, in pursuit of meeting the intent of this standard.**
- (2) The Zoning Administrator shall perform an exterior inspection of a proposed group home prior to the issuance of a zoning certificate. The purpose of this inspection is to ensure compliance with the property maintenance code (TCO Title V). The Zoning Administrator shall provide a reasonable time period for**

- compliance with any violations discovered. Compliance with these code provisions is required prior to the issuance of a zoning certificate. Continued adherence to these standards after the issuance of zoning certificate is required, and is required to maintain any and all zoning certificates issued prior to the passage of this ordinance.
- (3) Group Homes of any category shall not be located within 1,000 feet of any other group home, as measured from the nearest lot line to the nearest lot line. The Zoning Administrator may approve closer siting where two Group Homes are separated by natural or man-made barriers like steep terrain, waterways, or arterial roadways which mark a more significant physical separation than distance.**
- (4) Group Homes of any category shall operate only from a single-unit structure, or may be located in a two-unit structure where the group home operator or a staff member resides in the second dwelling unit as their primary residence. This arrangement within a two-family dwelling must include ownership of the structure by the operator or entity who runs the Group Home. No more than one group home shall be located on a zoning lot.**
- (5) Group Homes of any category shall not exceed a maximum occupancy of two (2) occupants per bedroom. The Group Home Operator shall not be calculated toward the maximum occupancy for the purposes of TCO 1189.21.**
- (6) To ensure availability of City of Trotwood services, as well as the services provided by other agencies, and to prevent excessive concentration of foster care group homes, these residences shall not exceed the maximum of three (3) foster care group homes per ward of the City. With four (4) wards of the City, there is a limit to twelve (12) foster care group homes within the City of Trotwood.**
- ~~(d)~~ **(g) Permit Requirements.**
- ~~(1)~~ **The Applicant Group Home Operator** 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. A letter of intent to apply for a state and/or county license. The letter will contain the following information:**
- ~~1.~~ **If the application is for an Adult Group Home, license or approval from the Department of Mental Health or other applicable agency. Group Home information, which includes:**
 - a. Type of Group Home**
 - b. Maximum number of occupants**
 - c. Gender and age range of occupants**
 - d. Number of employees**

e. Proposed level of care

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. **The state and/or county agency which the license is issued through.**~~
 3. **A contact at the aforementioned agency familiar with your case or application, including a phone number and e-mail address.**
 4. **The owner(s) of the property on which the Group Home is proposed.**
 5. **The home address, phone number, and e-mail of the property owner.**
 6. **The home address, phone number, and e-mail of the proposed Group Home Operator.**
 7. **Proof of business registration of Federal ID Number.**
- ~~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. (B) If the Applicant **Group Home Operator** is not the owner of the property in which the Group Home is located, then the Applicant **Group Home Operator** 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.~~

- C. An emergency contact or point of contact for the proposed Group Home, which includes:**
- 1. Name of emergency contact**
 - 2. Title of emergency contact**
 - 3. Phone number**
 - 4. E-mail address**
- ~~G. A statement of admission procedures and policy.~~
- H. ~~(D) Interior layout~~ **A to-scale layout of the interior** of the Group Home structure with **room labels and** dimensions. **This shall also include a notation identifying the location any medications are stored on-site.**
- ~~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. Proper notification of the surrounding properties shall be completed.**
- A. A letter shall be mailed indicating the intention of the Group Home Operator to open a Group Home. It shall include the type of Group Home and contact information of the operator including a phone number and e-mail address.**
 - B. The letter shall be mailed via certified mail to all properties within 300 feet of the subject property.**
 - C. A copy of the letter, list of recipients, and verification (certified mail receipt) that the letters were mailed shall be provided to the City as a part of the application.**
- (3) The Zoning Administrator or his or her designee shall issue a permit to those ~~Applicants~~ **Group Home Operators** 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.~~
- (h) Emergency Plan.**
- (1) In order to assist emergency responders, an emergency plan shall be managed and maintained by the Group Home Operator on-site at all times. This shall contain a list of all current residents, including their name and age.**

~~(e)~~ **(i) Permit Renewal.**

- (1) Every permit issued for the establishment of a Group Home shall annually be renewed by the ~~Permit Holder~~ **Group Home Operator** with the Zoning Administrator. **This shall include zoning permits issued for Group Homes that are still under review by any other agency.**
- (2) **Group Home permit renewals shall be submitted to the Planning and Development Department no later than January 31st of each year. Any renewal application submitted after that date shall not be accepted and the group home permit shall be revoked.**
- (3) **In the event a renewal application is denied due to missing or incorrect information, a Group Home Operator may submit another renewal application in an attempt to provide the correct documentation. If the second renewal application is denied, the Group Home permit shall be revoked.**
- (4) **Planning and Development staff shall endeavor to review renewal applications in a timely manner. Staff shall review all renewal applications submitted within 10 business days. Any application unresolved by April 1st shall be denied and their Group Home permit revoked.**
- ~~(2)~~ **(5) 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)~~ **(6) If a Group Home ceases operation or is vacant for one year or more, the permit cannot be renewed. A new application is required. Where a nonconforming Group Home has been voluntarily discontinued in accordance with TCO 1131.02(e), the structure shall thereafter be considered a single-family residence, and any subsequent proposal for a Group Home shall adhere to the standards of this Zoning Code.**
- (7) A fire inspection conducted by the Trotwood Fire Department is required to be completed and passed following the initial approval of any zoning certificate. A completed and passed fire inspection is required prior to the issuance of any renewal permit.**

~~(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) The 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~~ CHILD CARE HOMES, AND
TYPE B FAMILY-~~DAY~~ CHILD CARE HOMES.

(a) Definitions.

- (1) For definitions, see Chapter 1123 Definitions of Part Eleven Planning and Zoning Code, Title Five Zoning Administration. ~~“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) For purposes of this Section, “Permit Holder” means any person who possesses or is required to possess a permit for Day Care Centers, Type A Family Child Care Homes, or Type B Family Child Care Homes. ~~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~~ Child Care Homes, and Type B Family ~~Day~~ Child 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~~ Child Care Home, and Type B Family-~~Day~~ Child Care Home shall be in strict compliance with the requirements of applicable Ohio law.

(d) ~~Child~~ Day Care Centers.

- (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 ~~Child~~ Day e Care e 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~~ Child Care Homes.

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

- A. A license authorizing operation of a Type A Family ~~Day~~ Child 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~~ Child Care Home.

- E. The number of children anticipated to be in average daily attendance at the Type A Family-~~Day~~ **Child** Care Home.
- F. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the ~~Day e~~ **Care e** **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~~ **Child** 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~~ **Child** Care Homes.

- (1) An applicant for a permit to operate a Type B Family-~~Day~~ **Child** Care Home shall submit the following information to the Zoning Administrator:
 - A. A license authorizing operation of a Type B Family-~~Day~~ **Child** 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~~ **Child** Care Home.
 - E. The number of children anticipated to be in average daily attendance at the Type B Family-~~Day~~ **Child** Care Home.
 - F. Evidence that both fire prevention and property maintenance inspections have been made of the structure proposed to contain the ~~Day e~~ **Care e** **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~~ **Child** 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 Child Care Homes, and Type B Family-Day Child Care Homes:**

- (1) ~~All Child Day Care Centers and Type A Family Day Care Homes shall meet the following minimum standards:~~ **To prevent danger of fire spread and negative health impacts, no Day Care Center or Type A Family Child Care Home shall be sited within the same block face, or adjacent to a vacant home boarded, or declared a public nuisance by the City. This standard shall not apply retroactively should a home within this distance fall into this state during the operation of the group home. The Zoning Administrator may provide exceptions to this standard based on the specific circumstances of the home declared a nuisance, or based on other factors seen as relevant, in pursuit of meeting the intent of this standard.**
- (2) **The Zoning Administrator shall perform an exterior inspection of a proposed Day Care Center or Type A Family Child Care Home prior to the issuance of a zoning certificate. The purpose of this inspection is to ensure compliance with the property maintenance code (TCO Title V). The Zoning Administrator shall provide a reasonable time period for compliance with any violations discovered. Compliance with these code provisions is required prior to the issuance of a zoning certificate. Continued adherence to these standards after the issuance of zoning certificate is required, and is required to maintain any and all zoning certificates issued prior to the passage of this ordinance.**
- (3) ~~(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.
- (4) ~~(B)~~ No ~~Child Day Care Center,~~ or Type A **Family Child Care Home,** and or Type B Family-Day **Child Care Home** shall be permitted to be established within 500 feet of another ~~Child Day Care Center,~~ or Type A **Family Child Care Home,** and or Type B Family-Day **Child Care Home.**
- (5) ~~(C)~~ Every permit issued for the establishment of a ~~Child Day Care Center,~~ and Type A **Family Child Care Home, and Type B Family-Day Child Care Home** shall annually be renewed by the administrator of such facility with the Zoning Administrator and provide all documents.
- (6) **All day care permit renewals shall be submitted to the Planning and Development Department by no later than January 31st of each year. Any renewal application submitted after that date shall not be accepted and the day care permit shall be revoked.**
- (7) **In the event a renewal application is denied due to missing or incorrect information, a day care may submit another renewal application in an attempt to provide the correct documentation. If the second renewal application is denied, the day care permit shall be revoked.**
- (8) **Planning and Development Department staff shall endeavor to review the renewal applications in a timely manner. Staff shall review all renewal applications submitted within 10 business days. Any application unresolved by April 1st shall be denied and their day care permit revoked.**