

BY Mr. Joseph

NO 32161-25

AN ORDINANCE

Repealing, Amending, and Enacting Various Sections
of the Revised Code of General Ordinances Relating
to the Zoning Code.

WHEREAS, ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens; and,

WHEREAS, Effective, expeditious, and responsible regulation of land requires that the City Commission review and amend certain sections of the Revised Code of General Ordinances relating to the Zoning Code to clarify terminology and provisions, make certain regulations consistent from one zoning district to another, and update regulations to reflect experience to date and emerging best practices; and,

WHEREAS, Section 5119.341 of the Ohio Revised Code enables political subdivisions to limit excessive concentration of licensed residential facilities; and,

WHEREAS, The City Plan Board, at its July 8, 2025, meeting, in Case PLN2025-00184 recommended approval of amendments to various sections of Chapter 150 of the Revised Code of General Ordinances relating to Residential Facilities; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 150.120.12(H), Minor Variances by the Zoning Administrator, as previously enacted, is hereby repealed.

Section 2. That within Section 150.200.2(B), Definitions, the definitions of “Family,” “Occupant,” “Protective care facility,” “Single housekeeping unit,” and “Transitional housing,” are amended to read as follows:

Family. A family is a bonded social and/or housekeeping unit related by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship. A family traditionally consists of one or more parents and their children, or caregiver and their related dependents, or adults in a domestic relationship. Families periodically may move together from one dwelling unit to another and are not primarily related through use of a specific dwelling unit or a commercial enterprise. A family does not include any society; club; boarding or lodging house; fraternity; sorority; or group of individuals whose association is seasonal, temporary or similar in nature to a resort, motel, hotel, boarding or lodging house, nor that is institutional in nature.

Occupant. A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at

the residence. An occupant may also refer to a business operating regularly from a commercial unit.

Protective care facility. A facility owned or operated by an agency or an individual authorized by the appropriate governmental licensing agency to provide housing, food, treatment or supportive services to: persons who have been assigned by a court to a protective environment in lieu of placement in a correctional institution; to individuals who have been institutionalized and released from the criminal justice system; or to individuals who have alcohol or drug problems or severe mental or emotional disturbances and who require the protection of a supervised group setting. This term shall include Class I residential facilities as defined in Ohio Revised Code Section 5119.34.

Single housekeeping unit. A long-term living arrangement of thirty (30) days or more in a single dwelling unit with common or shared use and access to all living and eating areas, bathrooms, and food preparation and serving areas within the dwelling unit.

Transitional housing. A facility managed by a public or nonprofit agency that provides housing as well as supportive services, such as job training, health care, child care, counseling, and living skills training to victims of economic hardship, abuse or neglect. This term shall include Single Room Occupancy facilities. This term shall also include Class III residential facilities as defined in Ohio Revised Code Section 5119.34.

Section 3. That within Section 150.200.2(B), Definitions, the definitions of “Residential facility,” “Adult care facility,” and “Supported living home,” as previously enacted, are hereby repealed.

Section 4. That within Section 150.200.2(B), Definitions, the definitions of “Community residence, foster care,” “Community residence operator,” “Group home, foster care,” “Group home operator,” “Group home, supportive care,” and “Occupancy, maximum,” are enacted to read as follows:

Community residence, foster care. A residential dwelling that provides room, board, personal care and supervision to foster children in a group setting, also known as “foster care group homes.” Foster care community residences are a unique residential land use, in that, though they seek to re-create a family-like home setting for resident children, they often do not have an adult who resides at the residence, and instead may operate on a business-like model of taking shifts to provide supervision. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered foster care community residences. This term also does not include family arrangements providing legal guardianship or kinship care to foster children.

Community residence operator. The person 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 applicant for a residential facility license and/or zoning certificate.

Group home, foster care. A residential facility use in a dwelling that provides room, board, personal care and supervision to foster children in a group setting. This term includes residential facilities licensed under O.R.C. Section 5103. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered foster care group homes. This term does not include “foster homes” as defined in O.R.C. Section 5103.02.

Group home operator. Also, “residential facility operator.” The person 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 applicant for a residential facility license and/or zoning certificate.

Group home, supportive care. A residential facility use in a dwelling, that provides room, board, personal care and supervision for its residents. This term includes any of the following definitions: a Class II residential facility for individuals recovering from alcohol or drug addiction or requiring mental health support as defined by the Ohio Revised Code (O.R.C.) Section 5119; and a residential facility for individuals with developmental disabilities as defined by O.R.C. Section 5123. Within the home, residents function in a family-like setting. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Transitional Housing as defined in this code shall not be considered supportive care group homes.

Occupancy, maximum. The maximum number of occupants permitted within a designated space, typically a dwelling unit or a unit of commercial space.

Section 5. That Schedule 150.305.2, Permitted Uses in Single-Family Residential Districts, is amended as shown in Exhibit A, attached hereto and incorporated herein.

Section 6. That Schedule 150.310.2, Permitted Uses in Multi-Family Residential Districts, is amended as shown in Exhibit B, attached hereto and incorporated herein.

Section 7. That Schedule 150.330.2, Permitted Uses in Mixed-Use and Transitional Districts, is amended as shown in Exhibit C, attached hereto and incorporated herein.

Section 8. That Schedule 150.335.2, Permitted Uses in Campus—Institutional District, is amended as shown in Exhibit D, attached hereto and incorporated herein.

Section 9. That Section 150.400.1, Maximum Occupancy, is enacted as follows:

150.400.1 Maximum Occupancy

Chapter 93: Housing, of the City of Dayton Revised Code of General Ordinances, provides for the maximum occupancy of residential structures based on the size of the housing unit and its features. The Ohio Building Code provides for the maximum occupancy of commercial and other structures. Standards within this Zoning Code may provide additional standards for maximum occupancy based on use classification, and where more restrictive, these standards shall apply.

Section 10. That Section 150.565.1, Adult Care Facility for Six (6) to Sixteen (16) Persons, is amended to read as follows:

150.565.1 Reserved

Section 11. That Section 150.565.24, Reserved, is amended to read as follows:

150.565.24 Group Home, Foster Care, Supportive Care

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.

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.

The general standards for all group homes shall be as follows:

Group homes shall comply with the terms of licensing required by the State of Ohio. The Zoning Administrator shall verify details of the home operator's license including, but not limited to, contact information for related state and county agencies issuing or involved with the home's license, any required operations plan, occupancy, and any required community engagement plan, in addition to those details required to determine compliance with the standards of this Zoning Code. An application may be denied on the basis of open complaints, violations, and corrective action required by the State of Ohio affecting the applicant's license. Zoning certificates that have been issued on the basis of false representations of the details of a license, intended occupancy, or other relevant details are subject to revocation.

Group home operators shall be required to submit accurate and current information prior to transfer of the group home to a new operator.

If the applicant is not the owner of the property in which the group is located, then the applicant shall provide a notarized letter from the property owner approving the property for use as a group home.

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.

The Zoning Administrator shall perform an interior and 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 and occupancy standards of Chapter 93: Housing, Chapter 99: Nonresidential Building Maintenance, and any other property maintenance standards adopted. The Zoning Administrator shall provide a reasonable time period for compliance with any violations discovered. Compliance with these code provisions is required before the application for a Conditional Use, where applicable, shall be accepted. Continued adherence to these standards after the issuance of a zoning certificate is required, and is required to maintain any and all zoning certificates issued prior to the passage of this ordinance.

Where a nonconforming group home has been voluntarily discontinued in accordance with 150.140, the structure's use shall be thereafter be considered a family residence, and any subsequent proposal for a group home shall adhere to the standards of this Zoning Code.

Group homes of any category shall not be located within 1,000 feet of any other group home, as measured from nearest lot line to 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.

Group homes 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.

The Plan Board may permit arrangements of group homes in a campus-like setting or other design arrangements not specified by these standards through the approval of a Planned Development.

A group home's total occupancy shall be limited by standards provided by Section 93: Housing, or as listed below, where the more restrictive standard shall apply.

Specific standards for foster care group homes are as follows:

To ensure the availability of City of Dayton services, as well as the services provided by other agencies, and to prevent the excessive concentration of foster care group homes, these residences shall not exceed the maximum number allowed within the Land Use Areas of the city. In the North Central, West, and Northeast Land Use Areas, a maximum of 12 foster care group homes shall be permitted. In the Downtown and Southeast Land Use Areas, a combined maximum of 12 foster care group homes shall be permitted.

Occupancies of housing units are determined by standards provided in Chapter 93: Housing. Foster care group homes shall be occupied by no more than five (5) residents.

Nothing within these provisions shall prevent the placement of children or developmentally disabled adults under guardianship of a foster-parent, adoptive parent, kinship caregiver, or parent who is biologically related.

Specific standards for supportive living group homes are as follows:

In single-family districts, supportive living group homes, as licensed as Class II residential facilities according to Section 5119.34 of the Ohio Revised Code shall be occupied by no more than five (5) residents.

In single-family districts, supportive living homes, as licensed as residential facilities under Section 5123.19 of the Ohio Revised Code shall be occupied by no more than six (6) residents.

In a multi-family district, existing single-family structures may be occupied by a supportive care group home without a Conditional Use permit where their occupancy does not exceed five (5) residents.

Within the MMF, EMF, and SMF zoning districts, a conditional use permit may be granted to permit an occupancy of up to nine (9) residents, where the following conditions are met. These standards shall be in addition to all standards required of group homes with lower occupancies listed above.

- 1) The lot is a minimum of .5 acres.
- 2) The structure proposed for higher occupancy is set back a minimum of 50 feet from any property line abutting a single-family residential district.
- 3) The applicant supplies an operations plan that demonstrates that neighboring lots will be minimally impacted in terms of traffic, noise, and residential character.

Section 12. That Section 150.565.52, Residential Facility for Nine (9) to Sixteen (16) Persons, is amended to read as follows:

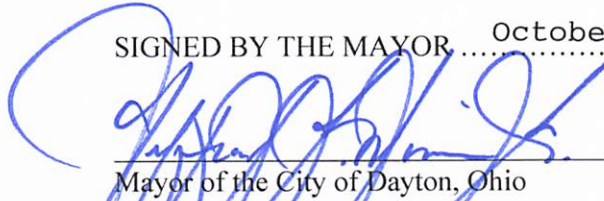
150.565.52 Reserved

Section 13. That Schedule 150.700.4, Off-Street Parking Requirements for all Uses excluding Downtown Districts (UBD and CBD), is amended as shown in Exhibit E, attached hereto and incorporated herein.

Section 14. That existing Definitions in Section 150.200.2(B) as listed in Section 2 of this Ordinance, Schedule 150.305.2, Schedule 150.310.2, Schedule 150.330.2, Schedule 150.335.2, Section 150.565.1, Section 150.565.24, Section 150.565.52, and Schedule 150.700.4 of the Revised Code of General Ordinances, as previously enacted, are hereby repealed.

PASSED BY THE COMMISSION October 8, 2025

SIGNED BY THE MAYOR October 8, 2025




Mayor of the City of Dayton, Ohio

ATTEST:



Clerk of the Commission

APPROVED AS TO FORM:



City Attorney