

ORDINANCE NO.:

2018-02

SPONSOR:

MAYOR NEUGEBAUER

PLANNING

INTRODUCED:

FEBRUARY 13, 2018

ASSIGNED TO: _____

AN ORDINANCE AMENDING CHAPTERS 1226 AND 1231 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN REGARDING ADULT FAMILY HOMES, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to amend its Land Development Code to expand the scope of Adult Family/Group Homes relative to where they may be located within the City and the types of individuals served; and

WHEREAS, pursuant to Chapter 1224, these text amendments were favorably recommended for approval to Council by the City's Planning & Zoning Commission by a 5-0 vote at its January 17, 2018 meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:

Sections 1226.01(Table 1226-1), 1226.02, and 1231.02 shall be amended to read as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.

SECTION TWO:

Any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict and all ordinances not amended by this ordinance shall remain in full force and effect.

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and for the further reason to allow these changes to be implemented as soon as possible. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

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ADOPTED: MARCH 13, 2018

Molly Kapeluck
Molly Kapeluck, Clerk

Chris Humphrey
Chris Humphrey, Council President

APPROVED: March 13, 2018

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

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MAY FIN LAW PLAN ENG
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: MARCH 13, 2018

ON ROLL CALL: Babbitt -Aye Dyer -Aye Humphrey -Aye Shaughnessy -Aye
Speight -Aye Yeargin -Aye Young -Aye Adopted 7-0

Suburbanite publication on MARCH 16 and MARCH 23, 2018

Molly Kapeluck
Molly Kapeluck, Clerk

02/13/2018 Approved as to form and content by Diane A. Calta, Director of Law

Diane A. Calta

2.8.18

Chapter 1226: Use Regulations
Section: 1226.01: Table of Allowed Uses

Table 1226-1: Allowed Uses											
Uses P = Permitted C = Conditional	R-R	R-1	R-2	B-1	B-2	B-3	B-4	B-5	I-1	PD	Additional Regulations See Section:
Agricultural Uses											
Agriculture – animal husbandry and keeping of livestock	P	P						C	P		1226.02(2)
Agriculture – raising of crops	P	P	P	P	P	P	P	P	P	P	
Nurseries and greenhouses				P		C	C	C	P		
Residential Uses											
Adult family homes (3 to 6 8 adults)	P*	P*	P*	C		C	C		C	P	
Adult group homes (7 9 to 16 adults)			C	C		C	C		C	P	
Adult family homes, transitional (3 to 6 adults)			C	C		C	C	C	C	P	1226.02(14)
Multi-Family dwellings			P							P	
Nursing homes and assisted living facilities			C	C						P	1226.02(10)
Open Space Subdivisions	P	PC	C							P	
Single-Family dwellings	P	P	P							P	
Two-family dwellings		C	P							P	
Commercial Uses											
Airport and airport related facilities								P			
Automotive body repair				C			C				
Automotive car washes				P			P	P			
Automotive fuel sales				P		C	P	P		P	1226.02(3)
Automotive rental				P			P	P	P		
Automotive repair and service & body repair				P			P	P	P		1226.02(3)
Automotive sales				P		C	P	P			
Banquet halls				P			P	P		P	
Bars and taverns				P		C	P	P		P	
Bed and breakfast establishments	C	C	C							P	
Day care centers				P	P	P		C	C	P	1226.02(5)
Day care home, Type A (7 to 12 children, or 4 to 12 children when 4 or more are under two years old)				C	C	C			C		1226.02(5)
Day care home, Type B (1 to 6 children, no 3 children are under two years old)	P	P	P							P	
Drive-through facilities				C		C	P	P		P	
Financial institutions				P	P	P	P	P		P	
Funeral homes				P	C	C	P	P	P		
Hotels and motels				P			P	P		P	
Kennels				P				C	P		1226.02(8)

*Applies to homes regulated in Chapter 5123.19 of the Ohio Revised Code.

Table 1226-1: Allowed Uses											
Uses P = Permitted C = Conditional	R-R	R-1	R-2	B-1	B-2	B-3	B-4	B-5	I-1	PD	Additional Regulations See Section:
Medical and dental offices				P	P	C	P	P	C	P	
Offices				P	P	C	P	P	P	P	
Parking lots/Decks	C	C	P	P	P	P	P	P	P	P	
Personal service establishments				P	C	C	P	P		P	
Recreation and indoor entertainment facilities				P			P	P	P	P	
Research facilities and laboratories							P	P	P	P	
Restaurants				P	C	C	P	P	P	P	
Retail and service commercial uses				P	C	C	P	P		P	
Self-storage facilities				C				C	P		1226.02(11)
Sexually oriented businesses							P				1226.02(12)
Social clubs and fraternal organizations				P		C	P	P		P	
Theaters				C			P	P		P	
Veterinarian clinics				P	C	C	P	P	P		
Wireless telecommunications towers	C	C	C	C	C	C	C	C	C	C	1226.02(13)
Industrial Uses											
Distribution facilities, truck terminals, and warehouses							C	P	P		
Heavy industrial uses								C	C		
Light industrial uses								P	P		
Mineral extraction	C	C	C	C	C	C	C	C	C		1226.02(9)
Public and Institutional Uses											
Active parks, playgrounds and recreational facilities	C	C	C	P	P	P	P	P	P	P	1226.02(1)
Cemeteries	C	C	C	C	C	C	C	C	C	P	1226.02(4)
Community centers and clubhouses	C	C	C	P	C	C	P	P	P	P	
Educational facilities (public or private)	C	C	C	P	C	C	P	P	P	P	1226.02(6)
Governmental offices and facilities	C	C	C	P	P	P	P	P	P	P	1226.02(7)
Hospitals and clinics				P			P	P	P	P	
Libraries, museums, galleries, and cultural centers	C	C	C	P	P	P	P	P		P	
Passive parks and conservation areas	P	P	P	P	P	P	P	P	P	P	
Public and private utility services	P	P	P	P	P	P	P	P	P	P	
Public safety/service facilities	C	C	C	P	C	C	P	P	P	P	1226.02(7)
Religious places of worship	C	C	C	C	C	C	C	C	C	P	

- 1.) The site plan for the construction of a wireless telecommunications tower and related facility shall be reviewed and approved according to the standards and procedures set forth in Section 1224.07: Site Plan Review and Section 1224.08: Conditional Use Permit of this Code.
- 2.) The placing of a wireless telecommunications antenna on any legal tower, building or structure (which may or may not involve co-location with another wireless service provider) shall be reviewed and approved according to the standards and procedures set forth in this section of this Code, and the site plan shall consist of a drawing or depiction which accurately conveys the following information:
 - a.) A vicinity map indicating the location of the site and the existing structure;
 - b.) The location of the antenna on the structure;
 - c.) The length of any projection above the existing structure (if applicable); and
 - d.) The location of the equipment shelter. If the equipment shelter is separate from the structure, its size, fencing, landscaping, setbacks and evidence of legal access to the site shall be indicated.
- 3.) All other applicable site plan review procedures, as set forth in Section 1224.07: Site Plan Review shall also be adhered to.

(14) Adult Family Homes, Transitional

An adult family home, transitional whether new construction or renovation of existing building to accommodate such use shall meet and adhere to the following additional standards and supplementary regulations.

- (A) **Twenty-four hour supervision shall be provided by qualified staff at all transitional family homes.**
- (B) **A plan for security of the premises shall be prepared. The PZC may require security personnel on the premises at all times.**
- (C) **No kitchen facilities shall be located in any bedroom.**
- (D) **Hard surface parking area shall be provided in compliance with the code to accommodate staff/security and occupants.**
- (E) **Certification or licensing (when applicable) by the sponsor State or Federal Government Agency shall be required within ninety (90) days of issuance of a zoning permit/Certificate of Use by the City. Continuing certification/licensing shall be submitted to the City (Planning Department) in January of each year.**

Accessory Uses

(1) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses.

(2) General Accessory Use and Structure Standards

Accessory uses or structures shall be permitted provided:

- (A) The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located;
- (B) It is subordinate to and serves the principal building or use;
- (C) It is subordinate in size, area, extent, and purpose to the principal building or

Adult Bookstore or Adult Video Store

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
- Instruments, devices or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

Adult Cabaret

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity;
- Live performances which are characterized by the exposure of specified anatomical area or by specified sexual activities; or
- Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Family Home

A residence or facility, as defined and regulated in Chapter 5123.19 of the Ohio Revised Code, which provides accommodations for three to ~~six~~ **eight** unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

Adult Group Home

A residence or facility, as defined and regulated in Chapter 5123.19 of the Ohio Revised Code, which provides accommodations for ~~seven~~ **nine** to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

Adult Family Home, Transitional

A residence or facility serving three to six unrelated adults who are in the process of transitioning or returning from an institutional remedial setting to independent living. This residence/facility shall be licensed by or operated by a governmental agency that accommodates three to six unrelated adults and provide special care or rehabilitation due to homelessness, physical condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

Adult Motion Picture Theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown and are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.