

ORDINANCE NO. 12 -11
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Brookes Compton ON THE 20th DAY OF
June, 2011.

AN ORDINANCE AMENDING ORDINANCE 14-08, THE
UNIFIED DEVELOPMENT ORDINANCE FOR THE
CITY OF CENTERVILLE, OHIO.

PREAMBLE

WHEREAS, on the 15th day of December, 2008, the City of Centerville enacted the Unified Development Ordinance (UDO) to establish zoning regulations and to provide for its administration enforcement and amendment; and

WHEREAS, the City Council has directed the City Manager to conduct an annual review of the UDO, assuring consistency with previous ordinances, and current policies; to eliminate duplicity, correct omissions; and addressing any clerical errors within the document; and

WHEREAS, the Unified Development Ordinance establishes zoning regulations for land uses including a Residence Family Home and Residential Group Home; and

WHEREAS, the City determined that said regulations be modified for compliance with Federal and State of Ohio Fair Housing Laws; and

WHEREAS, all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the UDO and/or amendments thereto by the Planning Commission and subsequent action of the City Council have been met.

NOW, THEREFORE, the Municipality of Centerville hereby ordains:

Section 1. Ordinance Number 14-08 passed on the 15th day of December, 2008 and as subsequently amended, be, and the same hereby is revised as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

By amending Article 9, Development Standards as follows:

9.05 Base Zoning Districts

A. Dimensional and Density Regulations

~~5. Residence Family Home~~

- ~~a. The application shall include a statement of the necessity or desirability of the proposed use to the neighborhood or community.~~
 - ~~b. The application shall include a statement of the compatibility of the proposed use to adjacent property and land use.~~
 - ~~c. All necessary permits and license for the use and operation of a Residence Family Home shall have been obtained, or evidence shall have been submitted that such permits are obtainable for the subject property.~~
 - ~~d. The location and size of the use, nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets having access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.~~
 - ~~e. The location, nature and height of buildings, structures, walls and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.~~
 - ~~f. The location of the use must be such that a spacing radius of not less than one-half (0.5) mile be maintained between or among Residence Family Homes and Residence Group Homes.~~
 - ~~g. A Residence Family Home for developmentally disabled persons shall be approved by the Montgomery County Board of Mental Retardation and Developmental Disabilities.~~
- ~~6. Residence Group Home. A Residence Group Home shall comply with the requirements of a Residence Family Home as stated in Section 9.05 A.5.~~

5. Residence Group Home

- a. An application for conditional use for a Residence Group Home shall include all necessary permits and licenses for the use and operation of a residence group home or evidence shall be submitted that such permits are obtainable for the subject property.*
- b. The architectural design and site layout of the Residence Group Home and the location, nature, and height of any walls, screens, and fences must be compatible with adjoining land uses and the residential character of the neighborhood.*
- c. The Residence Group Home must comply with yard, parking, and sign regulation.*

- d. The location of the Residence Group Home must be such that a spacing radius of not less than 1,000 feet is maintained between or among residence group homes and/or residence family homes.*
- e. A Residence Group Home for developmentally disabled persons shall be approved by the Montgomery County Board of Mental Retardation and Developmental Disabilities.*

6. Residence Family Home

- a. A Residence Family Home is a permitted use in all residential districts or zones within the City of Centerville.*
- b. An application for a Residence Family Home shall be submitted for the sole purpose of verification of compliance with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone where the residence family home is to be located.*
- c. The application shall include all necessary permits and licenses for the use and operation of a Residence Family Home or evidence shall be submitted that such permits are obtainable for the subject property.*
- d. The location of the Residence Family Home must be such that a spacing radius of not less than 1,000 feet is maintained between or among Residence Group Homes and/or Residence Family Homes.*
- e. A Residence Family Home for developmentally disabled persons shall be approved by the Montgomery County Board of Mental Retardation and Developmental Disabilities.*

Table 9.1, Permitted Land Uses in the Base Zoning Districts

Land Use Type	Type of Use (Site Plan Requirement)													Land Uses									
	Permitted Use													Agricultural					Neighborhood Business				
	P	AU	C	(Maj)	(Min)	R-1a	R-1b	R-1c	R-1d	R-1e	R-2	R-3	R-3P	O-S	O-PD	B-1	B-2	B-PD	I-1	I-PD	APD		
Accessory Uses *																							
Accessory Structures	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	
Bed & Breakfast	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	AU (Maj)	
Home Sales	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	
Pet Shelters	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	
Playhouses	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	
Swimming Pools and Hot Tubs, Private	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	
Tennis Courts, Private	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	
Wireless Telecommunications Antennae (Co-Location)																							
Temporary Uses																							
Carnival/Outdoor Amusement Use																							
Seasonal Outdoor Sale of Farm Produce or Plants	P (Min)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	
Seasonal Outdoor Sale of Landscaping Materials																							
Sidewalk Sales																							
Temporary Construction Buildings	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	AU (Min)	
Agricultural Uses																							
Agriculture **	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Beekkeeping ***	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	P (Min)	
Stables (Commercial)	P (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	
Stable (Private)	P (Min)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	C (Maj)	
Wholesale or Commercial Plant Nursery	P (Maj)																						
Residential Uses																							
Dormitory																							
Dwelling - Multi-Family and Apartment Building																							
Dwelling - Single-Family	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	
Dwelling - Duplex																							
Mixed-Use Building ****																							
Nursing and Convalescent Homes																							
Residence Family Home	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	
Residential Cluster Development	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	
Residential Group Home	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	P (Maj)	
Senior Citizen Residential Community																							

* Approval Required by District

** Refer to Section 9.39 of the UDO for additional regulations pertaining to Accessory Uses and Buildings that, because of their size, location, or intensity of activity, may have an impact on adjacent property, would require Major Site Plan approval.

*** A minimum of 5 acres is required to establish an agricultural use.

**** Refer to Article 9.39, (f), Beekkeeping of the UDO for additional regulations.

***** Residential uses permitted alongside those otherwise permitted in district in which it is located.

By amending Article 11, Definitions as follows:

11.02 Definitions

~~**Residence Family Home**—A home licensed by the State of Ohio or the County, if required by law, which provides residential services and supervision for 6 or fewer individuals who need not be related to the resident houseparent(s) or non-resident supervisor(s) and who are foster children, developmentally disabled persons or aged persons (60 years old or older). The number of 6 shall not include houseparent(s) or non-resident supervisor(s).~~

~~**Residence Group Home**—A home licensed by the State of Ohio or the County, if required by law, which provides residential services and supervision for more than 6 but not more than 16 individuals who need not be related to the resident houseparent(s) or non-resident supervisor(s) and who are foster children, developmentally disabled persons or aged persons (60 years old or older). The requirement of more than 6 but not more than 16 individuals shall not include houseparent(s) or non-resident supervisor(s).~~

Residence Family Home - A residence or facility that provides accommodations and supervision to three to five unrelated adults, at least three of whom require personal care services.

Residence Group Home - A residence or facility that provides accommodations and supervision to six to sixteen unrelated adults , at least three of whom require personal care services.

Section 2: This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 20th DAY OF June, 2011.

C. Mark Kevorkian
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
Clerk of Council, City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 12-11, passed by the Council of the City of Centerville, Ohio on the 20th day of June, 2011.

Debra A. James
Clerk of Council

Approved as to form and consistency with existing ordinances, the charter and constitutional provisions.

Department of Law
Scott Liberman
Municipal Attorney