

**VILLAGE OF SOUTH LEBANON, OHIO  
ORDINANCE NO. 2018-12**

**AN ORDINANCE ADOPTING ZONING REGULATIONS TEXT AMENDMENT  
RELATING TO ROOMING HOME DWELLING AND GROUP RESIDENTIAL  
FACILITIES**

**WHEREAS**, the Village Planning Commission, in accordance with Section 15.7.7 has certified to the Council a proposed Zoning Text Amendment, a copy of which is attached hereto and made a part hereof, relating to Rooming Home Dwelling and Group Home Facilities; and,

**WHEREAS**, in accordance with Section 713.12 of the Revised Code and Section 15.7.8 of the Zoning Regulation, the Council conducted a public hearing on the proposed text amendment on August 2, 2018, at 6:30 p.m., after such hearing was published in a newspaper of general circulation in the Village more than thirty (30) days before the public hearing and the proposed text amendment was made available for public inspection at the Village Administration Building during the 30 days prior to the public hearing; and; and,

**WHEREAS**, the Council has considered the recommendation of the Village Planning Commission, any testimony during the public hearing, and the compilation of any written comments in the form of emails, letter and telephone message relating thereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of South Lebanon, at least a majority of all members elected thereto concurring:

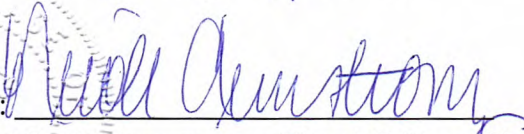
**Section 1.** Adopting Zoning Text Amendment relating to Rooming Home Dwelling and Group Residential Facilities, the text of which is attached hereto and incorporated by reference herein.

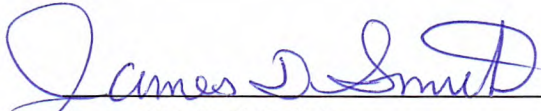
**Section 2.** That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

**Section 3.** That it is found and determined that all formal actions of the Council concerning and relating to passing this Resolution were adopted in an open meeting of Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance shall take effect thirty (30) days from the date of the adoption of this Ordinance, subject only to a valid referendum under Article II, § 1.f. of the Ohio Constitution and Ohio Revised Code 731.29, being presented to the Fiscal Officer during such 30 days.


Adopted this 6<sup>th</sup> day of Sept. 2018.

Attest:   
Nicole Armstrong, Fiscal Officer/Clerk

  
James D. Smith, Mayor

Rules Suspended <u>/</u> '2018 (if applicable)	Effective Date - / /2018
Vote - <u>    </u> Yeas <u>    </u> Nays	
First Reading - <u>8/2</u> /2018	Effective Date - / /2018
Second Reading - <u>8/16</u> /2018	
Third Reading - <u>9/6</u> /2018	
Vote - <u>6</u> Yeas <u>    </u> Nays	

Prepared by and approved as to form:  
PAUL R. REVELSON  
VILLAGE SOLICITOR  
SOUTH LEBANON, OHIO

By:   
Date: 9/6/18

FINAL VERSION – 9/6/18

Article 15, p. 114 of the Zoning Code

Dwelling, Rooming Home (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant, where meals or lodging are provided for compensation, for three or more unrelated persons, where no kitchen facilities are provided in the individual rooms.

Sec 15.11.19 Definition. "Group Residential Facility" shall mean any facility which provides rehabilitative or habilitative services. Rehabilitative or habilitative services include, but are not limited to distribution of medications, drug and alcohol counseling (group or individualized), mental health treatment, or psychiatric services. There are two classes of Group Residential Facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, the physically handicapped or disabled, or those with development disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

Sec 15.11.20 Conditional Use Permit Required.

A Class I Type B group residential facility is permitted by right in any residential district and regulated as a permitted residential use. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 6 or these Regulations. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

1. Evidence is presented that the proposed facility meets the certification licensing or approval requirements of the appropriate state agency.
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.

4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within 600 feet of another such facility.
6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
8. Such facility shall be reasonably accessible by virtue of its location or transportation provided by the applicant to medical, recreational, and retail services required by its residents, and to employment opportunities if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

Sec 15.9.6

# R-1 Single-Family Residential District Regulations

1. Principal Permitted Uses

a. Single-Family Dwellings

2. Conditional Uses Requiring Conditional Use Permit from the Board of Appeals:

a. Cemeteries

b. Churches of similar places of worship

c. Elderly (Multi-family) Housing at a density of 3,000 sq. ft. zoning lot area per unit maximum density

d. Home Occupations as identified in Section 15.11.24

e. Schools

f. Rooming Home Dwelling as identified in Article 15

# Sec 15.9.7 **R-2** Single-and Two-Family Residential District Regulations

## 1. Principal Permitted Uses:

- a. Single-Family Dwellings
- b. Two-Family Dwellings

## 2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:

- a. Cemeteries
- b. Churches or similar places of worship
- c. Elderly (multi-family) housing at a density of 2,500 sq. ft. zoning lot area per unit maximum density
- d. Funeral Homes
- e. Group residential facilities as identified in Article 11 Section 15.11.20.
- f. Home Occupations as identified in Section 15.11.24
- g. Nursery Schools and Child Day Care Centers
- h. Rooming Home Dwelling as identified in Article 15

## Sec 15.9.8 **R-3** Single and Multiple Family Residential District Regulations

### 1. Principal Permitted Uses:

- a. Single-Family Dwellings Two-Family Dwellings
- b. Multiple-Family Dwellings

### 2. Conditional Uses Requiring Conditional Use Permit from the Board of Appeals:

- a. Cemeteries
- b. Churches or similar places of worship
- c. Funeral Homes
- d. Group residential facilities as identified in Article 11, Section 15.11.20.
- e. Home Occupations as identified in Section 15.11.24
- f. Nursery schools or Day Care Centers
- g. Schools
- h. Rooming Home Dwelling as identified in Article 15



## Sec 15.9.9 **B-1** Neighborhood Business District Regulations

### 1. Principal Permitted Uses:

- a. Business or professional offices
- b. Churches and similar places of worship
- c. Financial Institutions
- d. Home furnishings sales/rental/repair
- e. Printing, copying, and publishing establishments
- f. Restaurants
- g. Retail stores or rental/lease establishments, including those which sell petroleum products but do not do on-site servicing or repair work
- h. Service businesses which do not do on-site installation or repair work
- i. Studios, salons and health clubs

### 2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:

- a. Funeral Homes
- b. Group residential facilities as identified in Article 11 Section 15.11.20.
- c. Indoor recreation, entertainment or amusement establishments
- d. Long-term parking facilities Nursery schools and Day Care Centers
- e. Rooming Home Dwelling as identified in Article 15

Article 15, p. 114 of the Zoning Code

Dwelling, Rooming Home (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant, where meals ~~and~~/or lodging are provided for compensation, for three or more unrelated persons, where no ~~cooking or dining facilities~~kitchen facilities are provided in the individual rooms.

Article 11, p. 72

Sec 15.11.19 Definition. "Group Residential Facility" shall mean any ~~community residential facility, licensed and/or approved and regulated by the State of Ohio,~~ which provides rehabilitative or habilitative services. Rehabilitative or habilitative services include, but are not limited to distribution of medications, drug and alcohol counseling (group or individualized), mental health treatment, or psychiatric services. There are two classes of Group Residential Facilities:

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Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

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9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
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b. Churches of similar places of worship

c. Elderly (Multi-family) Housing at a density of 3,000 sq. ft. zoning lot area per unit maximum density

d. Home Occupations as identified in Section 15.11.24

e. Schools

f. Rooming Home Dwelling as identified in Article 15

## Sec 15.9.7 **R-2** Single-and Two-Family Residential District Regulations

### 1. Principal Permitted Uses:

- a. Single-Family Dwellings
- b. Two-Family Dwellings

### 2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:

- a. Cemeteries
- b. Churches or similar places of worship
- c. Elderly (multi-family) housing at a density of 2,500 sq. ft. zoning lot area per unit maximum density
- d. Funeral Homes
- e. Group residential facilities as identified in Article 11 Section 15.11.20.
- f. Home Occupations as identified in Section 15.11.24
- g. Nursery Schools and Child Day Care Centers
- [h. Rooming Home Dwelling as identified in Article 15](#)

## Sec 15.9.9 **B-1** Neighborhood Business District Regulations

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- h. Service businesses which do not do on-site installation or repair work
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### 2. Conditional Uses requiring Conditional Use Permit from the Board of Appeals:

- a. Funeral Homes
- b. Group residential facilities as identified in Article 11 Section 15.11.20.
- c. Indoor recreation, entertainment or amusement establishments
- d. Long-term parking facilities Nursery schools and Day Care Centers
- e. [Rooming Home Dwelling as identified in Article 15](#)

## Sec 15.9.8 **R-3** Single and Multiple Family Residential District Regulations

### 1. Principal Permitted Uses:

- a. Single-Family Dwellings Two-Family Dwellings
- b. Multiple-Family Dwellings

### 2. Conditional Uses Requiring Conditional Use Permit from the Board of Appeals:

- a. Cemeteries
- b. Churches or similar places of worship
- c. Funeral Homes
- d. Group residential facilities as identified in Article 11, Section 15.11.20.
- e. Home Occupations as identified in Section 15.11.24
- f. Nursery schools or Day Care Centers
- g. Schools
- [h. Rooming Home Dwelling as identified in Article 15](#)