

**ORDINANCE NO. 19 , 2014**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE  
MONTGOMERY ZONING CODE GOVERNING CONDITIONAL USES**

**WHEREAS**, as a part of the ongoing process to review and update the Zoning Code, Council asked the Administration and the Planning Commission to complete a comprehensive review of Chapter 151.20 Conditional Uses of the Zoning Code, which review included a specific request to update the Code to be consistent with current law concerning congregate housing for persons with disabilities; and

**WHEREAS**, the Planning Commission has now completed its review and recommended to Council amendments to the Zoning Code as noted within the Staff report and Minutes from the Planning Commission; and

**WHEREAS**, Council did hold a public hearing September 17, 2014 to consider the recommendations of the Planning Commission and evidence to support such amendments to the Zoning Code, public notice of which was provided prior to such hearing as required by law; and

**WHEREAS**, the Administration and the Planning Commission recognized a need for the modification to the regulations regarding conditional uses to reflect current trends as well as State and Federal Law; and

**WHEREAS**, based upon such evidence as considered by the Planning Commission and City Council, Council hereby finds that:

1. The State of Ohio licenses group homes providing congregate living for persons with disabilities as Residential Facilities and dictates when such Residential Facilities must be permitted in residential districts.

2. State and federal law recognize persons with disabilities as a protected class which narrows any regulations which may be imposed upon such uses within the community.
3. Limiting the concentration of Residential Facilities is permitted under R.C. §5119.341, and adopting a reasonable dispersal requirement is permitted by law and is consistent with the goal of integrating and not institutionalizing such homes within the community.
4. A Seven Hundred Fifty (750) foot dispersal requirement is reasonable to accommodate Residential Facilities, such limit is supported by the research reviewed and will allow approximately one home per 10 residences throughout the City.
5. Consistent with the City's goal to promote and protect public safety, articulated in §150.0102 of the Land Usage Code, Council believes it is appropriate to provide added protection for the residents of such Residential Facilities by requiring emergency access and additional safety information.

**NOW THEREFORE, WITH THESE FINDINGS IN MIND, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

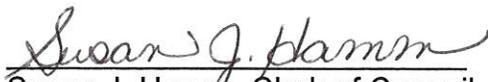
**SECTION 1.** Chapters 150 and 151 of the Code of Ordinances, as amended, a copy of which are attached hereto and incorporated herein by reference, as if fully restated herein in their entirety, are hereby approved.

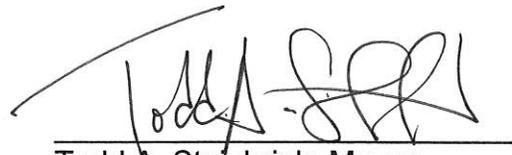
**SECTION 2.** It is intended that each section of this Ordinance and the attached amended and restated Chapters 150 and 151 of the Code of Ordinances shall be separate and severable from any other section of this Ordinance and the Code. As a

result, if any portion of Chapters 150 and 151 of the Code of Ordinances shall be determined to be unconstitutional, or otherwise unenforceable, then that unconstitutional or unenforceable section of the Code shall be stricken and the remainder of the Code as amended and restated shall remain in effect separate and severable from other sections of the Code.

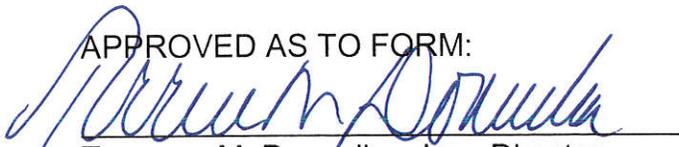
**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: December 3, 2014

ATTEST:   
Susan J. Hamm, Clerk of Council

  
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:

  
Terrence M. Donnellon, Law Director