

**TEXT AMENDMENT TO PIERCE TOWNSHIP ZONING RESOLUTION  
IN ORDER TO INCORPORATE CHANGES TO IDENTIFY “RECOVERY HOUSING”  
AS A PERMITTED USE; TO INCORPORATE “RESIDENTIAL FACILITIES” AS AN  
APPROVED USE; TO IDENTIFY THE MAXIMUM NUMBER OF UNRELATED  
INDIVIDUALS WHO MAY CONSTITUTE A HOUSEKEEPING UNIT; TO QUANTIFY  
THE NUMBER OF BUSINESS DAYS WITHIN WHICH THE ZONING INSPECTOR  
SHALL ISSUE OR DENY A ZONING PERMIT; TO CLARIFY THE PROCEDURES  
FOR SITE VISITS FOR ZONING AMENDMENT PROCEDURES; AND TO CLARIFY  
THE RESPONSIBILITIES OF THE ZONING INSPECTOR, ZONING COMMISSION,  
AND BOARD OF TRUSTEES IN THE VARIOUS STAGES OF A PLANNED UNIT  
DEVELOPMENT PROCEDURE**

**WHEREAS**, the Pierce Township Zoning Commission, by Motion unanimously passed on July 3, 2018, recommended to initiate a zoning text amendment to clarify and update several provisions of the Pierce Township Zoning Resolution, as provided under Revised Code Section 519.12 (Zoning Amendments), and to forward these recommendations to the Clermont County Planning Commission, and

**WHEREAS**, the Ohio legislature has established mandatory criteria for three classes of “Residential Facility” in the State of Ohio, and has created a new “Recovery Housing” classification, both of which are administered by the Director of Mental Health and Addiction Services, and

**WHEREAS**, the Ohio legislature has provided certain zoning guidelines for Residential Facilities throughout the State of Ohio, and has not provided any guidelines for Recovery Housing in the State of Ohio, and

**WHEREAS**, the Pierce Township Administration and Zoning Commission, after several discussions with citizens, has determined that it would be of benefit to the citizens of Pierce Township, Clermont County, Ohio and the residents of Residential Facilities and Recovery Houses in Pierce Township to provide zoning guidelines for such facilities, and

**WHEREAS**, the Planned Unit Development procedures of the Pierce Township Zoning Resolution require clarification concerning site visits and clarification of responsibilities for the three stages of a Planned Unit Development, and

**WHEREAS**, the responsibilities of the Zoning Inspector, in the procedure to approve or deny a zoning permit, should be clarified as to a specific number of business days,

**NOW THEREFORE**, the Zoning Resolution of Pierce Township, Clermont County, Ohio is hereby amended as follows:

**“Residential Facility” and “Recovery Housing”**

1. Article 15 (Definitions and Rules for Interpretation) is hereby amended with the deletion of the following terms: “Adult Family Home;” “Adult Group Home.”

2. Article 15 (Definitions and Rules for Interpretation) is hereby amended with the addition of the new term “Residential Facility” as follows:

**Residential Facility.** A publicly or privately operated home or facility which falls into one of the following classes:

- (a) Class 1 Facilities provide accommodations, supervision, personal care services and mental health services for one or more unrelated adults with mental illness, or one or more unrelated children or adolescents with severe emotional disturbances.
- (b) Class 2 Facilities provide accommodations, supervision, and personal care services to any of the following:
  - (i) One or two unrelated persons with mental illness;
  - (ii) One or two unrelated adults who are receiving payments under the State of Ohio Residential Supplement Program;
  - (iii) Three to sixteen unrelated adults.
- (c) Class 3 Facilities provide room and board for five or more unrelated adults with mental illness.

The term “Residential Facility” does not include any of the following: a hospital licensed by the Department of Mental Health and Addiction Services for mentally ill persons; a Residential Facility licensed by the Department of Developmental Disabilities; an institution certified under R.C. 5103.03 for children’s foster homes; a facility operated by a hospice program for hospice patients; nursing home or home for elderly adults; a methadone treatment facility; an emergency shelter housing or traditional housing for the homeless; a terminal care facility which is affiliated with a hospice program; a facility operated by the Veterans Administration for the placement and care of veterans; the residence of a relative or guardian of a person with mental illness; or Recovery Housing as defined herein.

3. Article 15 (Definitions and Rules for Interpretation) is hereby amended with the term “Family” redefined as follows:

**Family.** A group of persons occupying a Residential premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, having a unifying communal living relationship, and living in a permanent and stable relationship. No more than five unrelated individuals may constitute a family or single housekeeping unit. A family by birth or marriage or communal relationship may not have more than

two unrelated boarders or lodgers residing with the family in a single housekeeping unit.

4. Article 15 (Definitions and Rules for Interpretation) is hereby amended with the term “Housekeeping Unit” redefined as follows:

**Housekeeping Unit.** One or more persons occupying a dwelling unit and living as a single group in a unifying communal living relationship, and performing their own cooking on the premises, and having a self-determined length of stay, and which is not functioning for transient, short-term residents.

5. Article 15 (Definitions and Rules for Interpretation) is hereby amended with the addition of the term “Recovery Housing” as follows:

**Recovery Housing.** Housing for individuals recovering from alcoholism or drug addiction which provides an alcohol and drug free living environment, along with peer support, assistance with obtaining alcohol and drug addiction services, and other alcoholism and drug addiction recovery assistance. Recovery Housing shall be approved but not licensed by the Ohio Director of Mental Health and Addiction Services in conjunction with the Clermont County Board of Alcohol, Drug Addiction and Mental Health Services. Recovery Housing must satisfy the certification standards of the Ohio Director of Mental Health and Addiction Services, or the National Association of Recovery Residences. If a Court having jurisdiction over one or more residents of a Recovery House orders that personal information concerning any resident of Recovery Housing be provided to the Township, such information shall be retained by the Police Chief or his or her designee.

6. Article 15 (Definitions and Rules for Interpretation) is hereby amended with the deletion of the following two terms: “Residential Facility, Large,” and “Residential Facility, Small.”

7. Article 4, Table 4.04-I: RESIDENTIAL USE TABLE is hereby amended as follows:

**“Adult Family Homes or Small Residential Facilities”** is deleted in its entirety.

8. Article 4, Table 4.04-I: RESIDENTIAL USE TABLE is hereby amended as follows:

**“Adult Group Homes or Large Residential Facilities”** is deleted in its entirety.

9. Article 4, Table 4.04-I: RESIDENTIAL USE TABLE is hereby amended with the addition of the following new use:

**“Residential Facility, Class 1.”** This use shall be permitted with conditions under the following zoning category: MFR Zoning. This use shall have additional regulations as specified under Section 4.05.

10. Article 4, Table 4.04-I: RESIDENTIAL USE TABLE is hereby amended with the addition of the following new use:

**“Residential Facility, Class 2.”** This use shall be permitted under the following zoning categories: SFR, TFR, and TR Zoning provided that the facility houses five or fewer individuals. If the facility houses more than five individuals, such use is permitted with conditions under the following zoning category: MFR Zoning. These uses shall have additional regulations as specified under Section 4.05.

11. Article 4, Table 4.04-I: RESIDENTIAL USE TABLE is hereby amended with the addition of the following new use:

**“Residential Facility, Class 3.”** This use shall be permitted with conditions under the following zoning category: MFR Zoning. These uses shall have additional regulations as specified under Section 4.05.

12. Article 4, Table 4.04-I: RESIDENTIAL USE TABLE is hereby amended with the addition of the following new use:

**“Recovery Housing.”** This use shall be permitted with conditions under the following zoning categories: SFR; TFR; MFR; and TR Zoning. These uses shall have additional regulations and restrictions as specified under Section 4.05.

13. Article 11 (Vehicle Parking, Stacking, and Loading), Table 11.03-I: MINIMUM REQUIRED NUMBER OF PARKING SPACES is hereby amended with the addition of the following new use category:

**“Recovery Housing.”** The required parking spaces under the category of “Residential Uses” shall be .5 spaces per resident, rounded up to the next whole number.

14. Article 11 (Vehicle Parking, Stacking, and Loading), Table 11.03-I: MINIMUM REQUIRED NUMBER OF PARKING SPACES is hereby amended with the addition of the following new use category:

**“Residential Facility.”** The required parking spaces under the category of “Residential Uses” shall be .5 spaces per resident, rounded up to the next whole number.

15. Article 4 (Residential Zoning Districts and Use Regulations), Section 4.05 (Use-Specific Regulations) is hereby amended with the addition of the following new section, which shall be inserted alphabetically as follows:

Recovery Housing

- 1) Recovery Housing for five or fewer residents may be located in SFR Districts, TFR Districts, MFR Districts, and TR Districts. Recovery Housing for more than five residents shall be located in the following Residential District: MFR District.
- 2) Recovery Housing shall be constructed and pre-approved by the Department of Mental Health and Addiction Services, or its designated State or local agency, or demonstrate the adherence to the National Association of Recovery Residences standards, or the State of Ohio affiliate of such organization.
- 3) Any Court-ordered data concerning residents of Recovery Housing which is provided to Pierce Township shall be retained exclusively by the Chief of Police or his or her designee.

16. Article 4 (Residential Zoning Districts and Use Regulations), Section 4.05 (Use-Specific Regulations) is hereby amended with the addition of the following new section, which shall be inserted alphabetically as follows:

Residential Facility, Class 1, Class 2, or Class 3.

- 1) A Residential Facility which is a Class 2 Facility, providing accommodations, supervision, and personal care services to five or fewer unrelated persons, which is properly licensed by the State of Ohio, may be constructed and operated in Single Family Residential Districts, Two Family Residential Districts, and Multi Family Residential Districts.
- 2) All other Residential Facilities, including Class 1, Class 2 (more than five residents), and Class 3 shall be permitted in the following Residential Districts: Multi Family Residential District.

- 3) All Residential Facilities must be constructed and operated under the authority and licensing of the Ohio Department of Mental Health and Addiction Services, or a local agency serving as its agent.

## **PUD Amendment Procedures**

17. Article 2 (Administrative Roles and Authority), Table 2.02-I: SUMMARY TABLE OF REVIEW BODIES is hereby amended as follows:

A. Under the Planned Unit Development - Concept Plan, the Table shall include the term "Stage 1 – Zoning Commission Work Session."

B. Under the Planned Unit Development - Preliminary Development Plan Procedure, the following term shall be added: "Stage 2."

C. Under the Planned Unit Development - Final Development Plan Procedure, the following term shall be added: "Stage 3." Under the responsibility of the "Zoning Inspector," the responsibility shall be changed to "D." The responsibilities under "Zoning Commission" and "Board of Trustees" shall be eliminated.

18. Under Article 7 (Planned Unit Development), paragraph 7.03 (Procedure), Paragraph (B)(1)(a) (Step 1– Pre-application Conference and Meetings), Subparagraphs (ii) and (iii) shall be eliminated in their entirety. Previous Subparagraph (i) shall remain as a single paragraph under the Step 1 – Pre-application Conference and Meetings paragraph.

## **Zoning Permit Procedure**

19. Article 3, Section 3.05, Subparagraph (B)(3)(a) is hereby amended. Henceforth, the Section shall read: "Within ten business days after the application (Step 1), the Zoning Inspector shall issue the Zoning Permit or deny the application and state the reasons for doing so."

## **Incorporation of Zoning Articles by Reference**

20. The zoning text amendments identified above are incorporated by reference in Article 2, Article 3, Article 4, Article 7, Article 11, and Article 15, all of which are attached hereto and incorporated into this text amendment motion.

The Motion to initiate the above Zoning Resolution amendments and to forward them to the Clermont County Planning Commission was unanimously passed by the Pierce Township Zoning Commission on July 3, 2018.