

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2019-O-2410

TO APPROVE AN AMENDMENT TO SECTIONS 1123.30, 1135A, AND 1123.921 OF THE CITY CODE OF THE CITY OF HUBER HEIGHTS (PLANNING AND ZONING CODE) AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 19-45).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 19-45 and on October 29, 2019 recommended approval by a vote of 4-0 to City Council the proposed amendment; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Section 1123.30 of the Codified Ordinances is amended to read as follows:

1123.30 - Day care.

Day care means private facilities in which children are cared for all or part of a day or night away from their own homes or dwelling place. These facilities include day care centers (more than ten children), day care groups (six to ten children) and day care family homes (five or less children). This term may also include facilities that are commonly called adult day care centers that provide, among other things, supervision, assistance, protection, medical or personal care for adults for a time period of less than 24 hours per day.

Section 2. Chapter 1135A of the Codified Ordinances is amended to read as follows:

CHAPTER 1135A - KINDERGARTENS, NURSERIES AND DAY CARE

1135A.01 - Permit issuance, renewal; inspections.

The Planning Commission shall, at their discretion (under Chapter 1135), approve the issuance of all permits for the operation of private kindergartens, nurseries and day care facilities for a period not to exceed one year for each application approved. These permits may be renewed annually by the Zoning Officer after proper inspection. The permits are granted to the operator and are nontransferable.

1135A.02 - Responsibility of permittee.

The person(s) to whom the permits are issued shall be responsible for providing adequate enclosures for retaining the occupants within the immediate premises, cleaning up and proper removal of waste material and for assuring that activities are conducted at reasonable hours so as not to disturb or irritate other residents and property owners.

1135A.03 - Safety protection of children.

Adequate safety, health, fire and general welfare protection of the occupants shall apply at all times while occupants are on the premises or under the jurisdiction of the applicant.

1135A.04 - Compliance with requirements; supervision.

All private kindergartens, children's nurseries and day care centers, groups and family homes, as defined in Chapter 1123, shall function within the limits of, and comply with the local, County, State and Federal requirements. At all times children and adult clients with dementia, Alzheimer's or similar condition that may result in the adult wandering off the premises shall be under the supervision and care of a responsible person or persons.

1135A.05 - Baby-sitting.

This chapter excludes the occasional practice of baby-sitting for which no permit is required. However, where baby-sitting is considered by the Planning Commission to be a common business practice, an application for a permit shall be required under the definition of day care.

Section 3. Section 1123.921 of the Codified Ordinances is amended to read as follows:

1123.921 - School.

School means any public or private educational facility licensed by the State of Ohio including but not limited to day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior and four-year colleges, and universities. "School" includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the 9th day of December, 2019;
7 Yeas; 0 Nays.

Effective Date: January 8, 2020

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date