



**TROY CITY COUNCIL
COMMITTEE MEETING
COUNCIL CHAMBERS, CITY HALL
100 S. Market Street, Troy, Ohio**

TUESDAY, SEPTEMBER 2, 2025, 6:00 PM (please note time of meeting)

Law & Ordinance Committee

(Whidden [Chm.], Marshall, Twiss)

1. Provide a recommendation to Council regarding establishing a moratorium of two hundred seventy (270) days on new applications for Community-Oriented Residential Social Service Facilities. Consideration of emergency legislation is requested.

Other Committees/Items may be added.

8-30-2025

Cc: Council
Mayor
Mr. Titterington, Mr. Kerber
Mr. Frigge, Departments, Media



MEMORANDUM

TO: Mr. Rozell, President of Council

FROM: Patrick E. J. Titterington, Director of Public Service and Safety 

DATE: August 30, 2025

SUBJECT: **MORATORIUM ON COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES**

RECOMMENDATION:

That Council enacts legislation imposing a two hundred seventy (270) day moratorium related to Community Oriented Residential Social Service Facilities.

DISCUSSION:

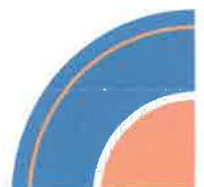
Development Staff in partnership with American Structurepoint are in the process of drafting a new Unified Development Code (UDC). It is intended that the UDC will go before the Planning Commission and City Council for review by the end of the year. During the review of the UDC, American Structurepoint identified concerns related to Community Oriented Residential Social Service Facilities. It was suggested that a two hundred seventy (270) day moratorium be enacted to allow staff to investigate and recommend changes for this topic. Recently, the City of Dayton, City of Clayton, City of Trotwood, and Harrison Township have enacted moratoriums on Group Homes.

Community Oriented Residential Social Service Facilities are defined by Zoning Code 1133.02 (51) of which states: "A facility which provides resident services to a group of individuals of whom three or more are unrelated. These individuals are mentally retarded, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. All family homes and adult family homes shall possess an appropriate license from the State of Ohio, Miami County, or other appropriate governmental unit prior to operation and are required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the zoning district in which it is located. All group homes, adult group homes, halfway houses, and social care homes shall possess an appropriate license. Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been or will be issued."

Attached to this report is a copy of the request from American Structurepoint regarding the moratorium. This moratorium will address congregate housing for both the abled and disabled and has been reviewed by the City of Troy Law Director.

REQUESTED ACTION:

It would be appreciated if you would assign to a committee of Council to enact a two hundred seventy (270) day moratorium on Community Oriented Residential Social Service Facilities. To avoid further applications until a review can be completed, consideration of emergency legislation is also requested.





Dear Troy, OH City Council,

This letter is being written to you today at the request of your City Attorney and City Planner. I am not a licensed attorney in the State of Ohio and therefore this letter is not being sent to you as a legal opinion, but rather as a planning consultant who has substantial experience rewriting municipal zoning and land development ordinances in both the State of Ohio and throughout the country. As the selected consultant for the Unified Development Code Rewrite project, we have recently reviewed your regulations for what your existing zoning code refers to as Community Oriented Residential Social Service Facilities and we write this letter to you with our observations concerning this issue.

In the State of Ohio, the land use of Community Oriented Residential Social Service Facilities, and land uses similar to it, have a very complex set of interwoven state statutes, state court decisions, federal statutes, and federal court decisions which create a very difficult challenge for local governments to navigate. While we are not at this point prepared to recommend language to rectify this situation, what is clear is that changes to your existing code are necessary for the City of Troy to best serve the entirety of its citizens and to adequately create regulations that comply with both federal law and state law. Due to these complexities, it will take time to research the current state of the law (both state and federal) and to confer with your City Attorney on the best approach on how to modify your existing regulations. In short, your current set of ordinances are not a best case scenario to deal with the issue on either a short-term or long-term basis.

While the decision to recommend a moratorium is a legal recommendation that should be made by your City Attorney, we have in the past worked with local governments to create Interim Ordinances to immediately address specific high-priority issues for a municipal government and then merge that language into the new Unified Development Code. We are prepared to move forward in this capacity, should the City decide that this is in their best interests.

Sincerely,

David Baird JD, AICP
Senior Project Manager
American Structurepoint

CC:

Tim Davis, City of Troy, OH
Austin Eidemiller, City of Troy, OH
Matthew O'Rourke, American Structurepoint