



Zoning Text Amendment
Montville Township

Meeting: August 5, 2015
Applicant: Montville Township Zoning Commission
Hearing: July 8, 2015 (Zoning Commission)
Amendment: Article II Definitions, Chapter 210, Definitions
Reviewer: Susan Hirsch

Proposed Amendments: (New text is underlined). This amendment proposed by the Montville Township Zoning Commission, is to amend the current definition for “congregate Care Facility” and add definitions for “Activities of Daily Living, Assisted Living Facility, Nursing Home, Personal Care Services, Residential Care Facility, and Skilled Nursing Care”.

ARTICLE II
DEFINITIONS

CHAPTER 210
Definitions

210.2 DEFINITIONS.

- A. Words used in this resolution are used in their ordinary English usage.
- B. For the purpose of this resolution the following terms, whenever used in this resolution, shall have the meaning herein indicated:

5. ACTIVITIES OF DAILY LIVING: Walking and moving, bathing, grooming, toileting, oral hygiene, hair care, dressing, eating, and nail care. (Effective _____)
12. ASSISTED LIVING FACILITY: See “Congregate Care Facility” and “Residential Care Facility.” (Effective _____)
46. CONGREGATE CARE FACILITY: A nursing home or residential care facility licensed by the Ohio Department of Health to provide accommodations, supervision, personal care services, and/or skilled nursing care for individuals who are dependent on the services of others by reason of age or physical or mental impairment. A congregate care facility may include one or more of the following: 1) independent living with congregate dining facilities; 2) congregate living; 3) assisted living; or 4) nursing care. See also “Nursing Home” and “Residential Care Facility.” (Effective _____)

~~CONGREGATE CARE FACILITY: A residence or facility that provides accommodations and supervision to three to five unrelated adults or six to sixteen unrelated adults, at least three of whom require personal care services as defined in Section 5119.70 of the~~

~~Revised Code which may include but is not limited to: 1) Assistance with activities of daily living; or 2) Assistance with self-administration of medication, in accordance with rules adopted under Section 5119.79 of the Revised Code; or 3) preparation of special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under 5119.79 of the Revised Code. (Effective 04/12/12)~~

123. NURSING HOME: A facility licensed by the Ohio Department of Health used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. See also “Congregate Care Facility.” (Effective _____)
142. PERSONAL CARE SERVICES: Services provided by a licensed nursing home or residential care facility including, but not limited to, the following: 1) Assisting residents with activities of daily living; 2) Assisting residents with self-administration of medication; and/or 3) Preparing food for special diets. (Effective _____)
157. RESIDENTIAL CARE FACILITY (ASSISTED LIVING): A facility licensed by the Ohio Department of Health that provides either of the following: 1) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; 2) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and to at least one of those individuals, any of the skilled nursing care as authorized by the ORC. A residential care facility may include one or more of the following: 1) independent living with congregate dining facilities; 2) congregate living; 3) assisted living or 4) nursing care. See also “Congregate Care Facility.” (Effective _____)
203. SKILLED NURSING CARE: Procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. (Effective _____)

Staff Comments:

1. The Township has found that their current definition for “congregate care” is too restrictive

- in that it only permits a maximum of 16 unrelated adults and it does not reference assisted living, residential care facility, nursing home or skilled nursing care. Most of the congregate care facilities being built today are much larger, and need to be, to be economically viable.
2. Currently, congregate care facilities are permitted in the O- Office District, C-B Community Business District, H-C Highway Commercial District and R-C Rural Commercial District, and are conditionally permitted in the R-3 Residential District. However, the R-3 District does not list congregate care facilities among the conditionally permitted uses. "Congregate Care facilities" does appear in Section 450.6 Supplemental Regulations for Certain [Conditional] Uses, This discrepancy should be corrected and "congregate care facility added to the list of conditional uses in the R-3 District.
 3. Within Section 450.6, Supplemental Regulations for Certain [Conditional] Uses, the net density of an assisted living and or nursing home and its associated parking facilities shall not exceed 25 patients per acre. This differs from the patient count permitted in the current definition of "congregate care."
 4. The definitions proposed with this text amendment are the same as those of the State Department of Health, the licensing agency for congregate care facilities in Ohio which seems appropriate.
 5. Since the Township is not proposing to change any corresponding text at this time, it is difficult to comment on the use of the terms. However, it does appear that many of the terms cover more than one type of facility and this could be confusing.
 6. Currently, the only residential district in which congregate care facilities are permitted is the R-3 Single-Family Urban Residential District. When the Township does consider corresponding text changes, Staff would suggest that the Township consider allowing such facilities, possibly on a smaller scale, in the other residential districts.

Staff Recommendation:

Staff recommends the MCPC **APPROVE WITH MODIFICATIONS** the proposed amendment to the Montville Township Zoning Resolution, subject to Staff Comments.