Indian Run Meadows Neighborhood Meeting

Community Residence – Tara Hill

October 21, 2026

Michael Barker, Acting City Manager
Thad Boggs, Asst. Law Director
Jennifer Rauch, Director of Community Planning & Development

Tonight's Purpose

1

Address concerns

Summarize the questions and concerns residents have raised.

2

Share facts

Separate verified information from information still under review.

3

Explain the process

Describe the City's role, regulations and review.

4

Outline next steps

Summarize what happens next in the process.

5

Hear from you

Open up to questions and provide additional information.

What We Heard from Residents

Use and classification

What is operating at the property and how is it classified?

Zoning and approvals

Is the use permitted and what approvals are required?

Occupancy and turnover

How many residents are permitted to live there and how long can they stay?

Safety and activity

How are traffic, parking, police calls and neighborhood impacts addressed?

Future locations

Could similar residences operate at other neighborhood properties?

Communication

When will the City decide and how will residents be informed?

Who Regulates What?

Federal Law

- Fair housing protections
- American Disability Act related housing protections
- Equal protection laws

State of Ohio

- Recovery housing registration, certification and oversight as applicable
- State agency records and requirements

City of Dublin

- Zoning classification and approvals
- Building and fire requirements
- Property maintenance and nuisance provisions
- Local compliance and enforcement

Federal Law – Fair Housing Act

Fair Housing Act (42 U.S.C. 3601, et seq.)

- 42 U.S.C. 3604: It is unlawful to:
  - Discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a **handicap** of the renter or buyer
  - Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such a dwelling, because of a **handicap** of that person;
  - Refuse to permit, at the expense of the person with the **handicap**, reasonable modifications of existing premises occupied or to be occupied by such person if those modifications are necessary to afford the individual full enjoyment of the premises
  - Refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

Federal Law – Fair Housing Act

24 C.F.R. 100.20 (Fair Housing Act Regulations)

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 U.S.C., receivers, and fiduciaries.

- Applies to municipalities and HOAs

Federal Law – Fair Housing Act

Fair Housing Act (42 U.S.C. 3601, et seq.)

- 42 U.S.C. 3602:
  - "Handicap" means, with respect to a person—
    - (1) a physical or mental impairment which substantially limits one or more of such person's major life activities;
    - (2) a record of having such an impairment, or
    - (3) being regarded as having such an impairment,

    But such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21

In summary:

"Federal law 'prohibits excluding disabled persons from housing because of their disability and requires [the making of] reasonable accommodations necessary to ensure the handicapped equal housing opportunities.'"

- *Hamm v. City of Gahanna*, 109 Fed. Appx. 744 (6th Cir. 2004), quoting *Smith & Lee Assoc., Inc. v. City of Taylor*, 13 F.3d 920, 924 (6th Cir. 1993)

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- The Act applies to "municipal zoning ordinances that affect housing opportunities for the disabled."
  - *City of Taylor*, citing *Marbrunak, Inc. v. City of Stwo*, 974 F.2d 43 (6th Cir. 1992)
- The Act applies to "discriminatory actions taken by municipalities pursuant to zoning ordinances."
  - *City of Taylor*, citing *U.S. v. City of Parma*, 661 F.2d 562 (6th Cir. 1981)
- Fee shifting provision (42 U.S.C. 3613)
- State analogue: ORC 4112.02(H) (prohibiting housing discrimination)

Federal Law – ADA

Americans with Disabilities Act (42 U.S.C. 12132):

"[N]o qualified individual with a disability shall, by reasons of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by such entity."

Definition of disability (42 U.S.C. 12102) means, "with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment

Federal Law

Defining "Family"

- "The definitions of 'family,' 'dwelling unit' and 'single-family dwelling' must be carefully studied without encrusting them with the barnacles of one's own notions and prejudices of what kind of 'family' should live in an 'R-1 suburban residence district."
  - *Saunders v. Clark Cty. Zoning Dept.*, 66 Ohio St.2d 259 (1981)

Occupancy thresholds

- "[R]easonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling" are exempt from FHA
- Definitions of "family" describing who may comprise a family unit, rather than setting numerical occupancy restriction, do not fall within FHA maximum occupancy exemption
  - *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995)

Ohio Law – Housing

Ohio Rev. Code 4112.02: It shall be an unlawful discriminatory practice…

(H) Subject to section 4112.024 of the Revised Code [exception for religious institutions], for any person to do any of the following:

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;

Ohio Law – Certification of Recovery Housing Residences

Ohio Rev. Code 5119.392

(A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies:

(1)(a) If the department of behavioral health certifies recovery housing residences, the recovery housing residence is certified by the department.

(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization.

(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code.

(B) If the director of behavioral health determines that a recovery housing residence is operating in violation of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence.

Dublin's Zoning Code

Community Residence Framework – Code Section 153.002

Single family dwelling

Applicable where four or fewer unrelated people live together, subject to the facts and applicable Code.

Community Residence

A family-like living arrangement for 5 or more unrelated individuals with disabilities with no more than 12. Can be self-governing or supervised. Seeks to emulate a family.

Family Community Residence

A relatively permanent living arrangement for five or more unrelated individuals with disabilities, with no limit on the length of tenancy.

Transitional Community Residence

A temporary living arrangement for five or more unrelated individuals with disabilities, with a limit on the length of tenancy.

Dublin's Zoning Code

Community Residence Framework – Code Section 153.073(C)

Family Community Residence

- Permitted in:
  - Standard residential zoning districts (R, R-1, R-2, R-4, R-10 and R-12)
  - Specific Bridge Street Districts (BSD-R, BSD-OR, BSD-O, BSD-HC and BSD-HR)
  - All in Planned Unit Developments
  - Provided:
    - It is located at least 8 lots on its side of the street and at least 660 feet from an existing community residence
    - Applicable license or certification, as outlined in the Code
  - Conditional Use is required if these criteria are not met

Transitional Community Residence

- Permitted in:
  - Standard residential zoning districts (R-12)
  - Specific Bridge Street Districts (BSD-R, BSD-OR, BSD-O, BSD-HTN)
  - All in Planned Unit Developments where three or more dwelling units are allowed
  - Provided:
    - It is located at least 8 lots on its side of the street and at least 660 feet from an existing community residence
    - Applicable license or certification, as outlined in the Code
  - Conditional Use is required if these criteria are not met

Dublin's Zoning Code

Conditional Use Criteria – Code Section 153.236

1. The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
2. The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
3. The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
5. The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. The proposed use will not be detrimental to the economic welfare of the community.
7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
8. Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
9. The proposed use will not be detrimental to property values in the immediate vicinity.
10. The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Dublin's Zoning Code

Additional Conditional Use Criteria – Code Section 153.073(C)

a) The proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence for people with disabilities;
b) The applicant demonstrates that it will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety, and welfare of the occupants of the community residence; and
c) The proposed community residence in combination with any existing community residences will not alter the character of the surrounding neighborhood by creating an institutional atmosphere or by creating a de facto social service district by excessively concentrating community residences on a block.

Indian Run Meadows



Development Standards

- Multiple subareas of Indian Run Meadows – Commercial, Office and Institutional and Residential

What We Know and What Remains Under Review

Confirmed

- Property is within the Indian Run Meadows PUD
- Representative reached out to the city prior to occupancy, inquiring about requirements for 4 or less individuals
- No application relating to Community Residence use was submitted
- City met with the operator and requested informal information for review
- City connected with the property owner
- Operator is listed on Ohio Dept. Behavioral Health website (4-9 occupants)

Under Review

- Number of current residents
- Length and limits of stays
- Operator and property ownership information
- State registration and certification status
- Building, fire and occupancy information

What Happens Next?

Zoning Compliance

- Property owner/user submits required information
- Reviewed by staff in compliance with the law
- Determination is made depending on the process required
- Ongoing compliance is monitored

Additional Steps

- Meeting with Ohio Dept of Behavioral Health

Neighborhood Concerns

- Address current zoning compliance concerns
- Commercial use concerns
- Traffic, parking and vehicle activity
- Distance requirements – other uses and additional community residences
- Property maintenance
- Police calls and safety

Additional Questions