

ORDINANCE NO. 13-2015
(Amended)

Amending Sections 1123.19, 1127.03(d)(2), and 1147.01 and Enacting Section 1123.191 of the Codified Ordinances of the City of Worthington; Defining Co-Located Child Day Care Center, Nursery School and Preschool, and Providing for Consideration of Changes to Conditional Uses.

WHEREAS, the Planning and Zoning Code of the City contains definitions of terms that are used to regulate the uses of land within the City and the structures erected thereon; and,

WHEREAS, child day care centers, nursery schools and preschools are commonly operated in institutions that are defined as Semipublic Uses; and,

WHEREAS, standalone child day care centers and preschools as defined in the Planning and Zoning Code are currently permitted uses within the S-1 zoning district, and,

WHEREAS, the Municipal Planning Commission, on recommendation of City staff and the code review committee unanimously passed a motion to recommend approval of changes to the Codified Ordinances to include within the definition of Semipublic Uses those instances where child day care centers, nursery schools and preschools are incidental to and customarily a part of a Semipublic Use; and,

WHEREAS, creating a new definition of a co-located child day care center, nursery school and preschool and allowing for that use as a Conditional Use in the R-16 and R-10 zoning districts is proposed to address those same types of instances where a center for child care within a Semipublic Use structure is requested; and,

WHEREAS, the Municipal Planning Commission also reviewed and discussed a change to the process by which the City considers changes to conditional uses by including within the provisions of Section 1127.03(d)(2) a requirement that any change in the conditional use that would trigger the standards of review would need approval by the Municipal Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 1123.19 of the Codified Ordinances of the City of Worthington be and the same hereby is amended to read as follows:

ORDINANCE NO. 13-2015
(Amended)

1123.19 CHILD DAY CARE CENTER, NURSERY SCHOOL AND PRESCHOOL.

"Child day care center", "nursery school", and "preschool" mean any place where child care is provided for either seven or more infants, preschool children or school-age children including children of the owner or administrator of the center under the age of six years at any one time or for more than three children under the age of two at any one time including children of the owner or administrator at any one time. For purposes of this definition, "child care" means administering to the needs of infants, preschool children or school age children for any part of the twenty-four hour day, during at least two consecutive weeks. Day care for children does not include the care of children in programs operated by or under the supervision of the Ohio Department of Developmental Disabilities, programs under the supervision of the Ohio Department of Education, or by nonpublic schools which meet the standards for nonpublic schools prescribed under Ohio R.C. 3301.07.

SECTION 2. That Section 1123.191 of the Codified Ordinances of the City of Worthington be and the same hereby is enacted to read as follows:

1123.191 CO-LOCATED CHILD DAY CARE CENTER, NURSERY SCHOOL AND PRESCHOOL.

"Co-located Child Day Care Center, Nursery School and Preschool" means a center that is located within the structure of, and uses the facilities of, a Semipublic principal use; and is operated by the Semipublic principal user or by an organization that furthers the principal user's mission.

SECTION 3. That Section 1147.01 of the Codified Ordinances of the City of Worthington be and the same is hereby amended to include as a Conditional Use in the "R-16" Very Low Density Residence and "R-10" Low Density Residence zoning districts "Co-located Child Day Care Center, Nursery School and Preschool".

SECTION 4. That Section 1127.03(d)(2) of the Codified Ordinances of the City of Worthington be and the same hereby is amended to read as follows:

1127.03 CONDITIONAL USE PERMITS

(d)(2) Under the authorization granted in Section 1127.02(g) hereof, the Commission shall have the power to decide applications for conditional uses in those cases specified in Chapter 1147. In considering such application, as provided for in this section, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, and may impose such requirements and conditions as the Commission may deem necessary for the protection of adjacent properties and the public interest, including specific limitations as to future expansion. In its consideration of any conditional use permit application, the

ORDINANCE NO. 13-2015
(Amended)

Commission may request environmental impact studies and may request and receive reports and studies, from various local and state agencies and departments having jurisdiction over the property indicating whether there exist any issues relating to or involving any hazardous substances or environmental laws which would:

- A. Affect the use of the property under consideration, or
- B. Affect surrounding properties by such proposed use.

After the conditional use permit has been approved, any changes, alterations, adjustments or rearrangements of or additions to structures, parking areas, entrances, heights, yard or area requirements, or any change in the conditional use that would affect any of the basic standards or review elements set forth in this section, shall be submitted to the Commission for approval in accordance with the procedure set forth herein for an original conditional use application. Such application shall be considered by the Commission in accordance with the basic standards and review elements set forth in this section and, thereafter may be approved, rejected or modified and approved by resolution of the Commission. The procedure set forth in subsection (c) hereof shall also apply to requests for amendments to conditional use permits.

SECTION 5. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed April 6, 2015

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced March 16, 2015
P.H. April 6, 2015
Effective April 29, 2015