

ORDINANCE NO. 04-2022

Enacting a Moratorium on Applications for Rezoning, Subdivision, Certificates of Appropriateness, Development Plan Approval, Conditional Use, or Permits for the United Methodist Children's Home Focus Area and Declaring an Emergency.

WHEREAS, City Council passed Resolution 37-2005 adopting the Comprehensive Plan Update and 2005 Strategic Plan for the City of Worthington to guide future development and growth; and,

WHEREAS, City Council passed Resolution 39-2014 adopting an amendment to the Comprehensive Plan Update and 2005 Strategic Plan for the United Methodist Children's Home Focus Area to guide future development of the site; and,

WHEREAS, the United Methodist Children's Home Focus Area included the following parcels; 1033 N. High Street – Parcel No. 100-006774-00, 32 Wesley Blvd – Parcel No. 100-006773-00, 6525 N. High Street – Parcel No. 100-006390-00, 47 Larrimer Avenue – Parcel No. 100-002425-00, and 57 Larrimer Avenue – Parcel No. 100-002427-00 (the "UMCH Properties"); and,

WHEREAS, City Council passed Resolution 40-2019 establishing the Community Visioning Committee to develop a well-grounded articulation of the community's aspirations for the future of Worthington; and,

WHEREAS, City Council passed Resolution 09-2021 adopting the Visioning Committee's vision statements and supporting principles; and,

WHEREAS, one of the vision statements addresses environmental stewardship in terms of dedication to preserving the natural environment and the community's appreciation of mature trees; and,

WHEREAS, the United States Sixth Circuit Court of Appeals recently invalidated a Canton, Michigan tree ordinance that required property owners to obtain a permit before removing certain trees and to either replace those trees or pay a flat fee per tree in lieu of replacement; and,

WHEREAS, there are over 600 trees on the UMCH Properties and the City's zoning code has provisions similar to the Canton, Michigan tree ordinance that will need to be reviewed and amended to incorporate an individualized determination of actual harm consistent with the Court of Appeals' decision; and,

WHEREAS, another of the vision statements recognizes that diversity strengthens the social fabric of the community and recommends implementing policies that create opportunities for people from a wide range of ages, abilities, and income levels to live in the community; and,

ORDINANCE NO. 04-2022

WHEREAS, City Council passed Resolution 77-2019 directing staff to make application to join the AARP Network of Age-Friendly Cities and Communities and recognizing the importance of having a wide range of housing options for older residents to support aging in place; and,

WHEREAS, the City Charter provides that the Municipal Planning Commission should review and recommend any revisions to the City's Master Plan and area plans every five (5) years and the City has not conducted a comprehensive review of the Current Comprehensive Plan since the passage of Resolution 39-2014; and,

WHEREAS, City Council believes it is necessary to conduct a thorough review of the Comprehensive Plan Update and 2005 Strategic Plan as amended in 2014 (the "Current Comprehensive Plan"): (1) to determine whether it reflects the consensus viewpoint of the community and current City Council, (2) to study the potential impacts of different types and density of potential development of the undeveloped parcels of the UMCH Properties on the environment, storm water management, sanitary sewer capacity, traffic patterns, and the provision of other public services, and (3) to investigate whether the Current Comprehensive Plan needs to be amended to better align with the visioning statements and supporting principles adopted by Resolution 40-2019; and,

WHEREAS, City Council believes it is a necessity to conduct a more detailed assessment of housing needs, including evaluating the current diversity of housing opinions available in the community, older adult and affordable housing needs and approaches, and the potential use of universal design regulations; and,

WHEREAS, City Council has determined it to be in the best interest of the health, safety, and welfare of the City of Worthington to enact a temporary moratorium to provide a pause in any consideration of development of the UMCH Properties until the completion of the review of the Current Comprehensive Plan and housing assessment; and,

WHEREAS, enacting this Ordinance as an emergency measure permits the temporary moratorium to be effective immediately and avoids the potential of a property owner filing an application to vest rights under the Current Comprehensive Plan prior to completion of the review and assessment and therefore City Council has determined it is in the best interest of the City of Worthington to waive notice of public hearing, to waive the twenty-one day waiting period, and to declare an emergency.

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

SECTION 1. That there be and hereby is enacted a temporary moratorium on the acceptance of any applications for rezoning, subdivision, certificate of appropriateness, development plan approval, conditional uses, or permits involving the UMCH Properties to be in effect until January 18, 2023, or until City Council approves legislation explicitly revoking this moratorium, whichever occurs first.

## ORDINANCE NO. 04-2022

SECTION 2. That there be and hereby is enacted a temporary moratorium on any consideration or approval by City staff, the Municipal Planning Commission, the Architectural Review Board, or City Council of any applications for rezoning, subdivision, certificate of appropriateness, development plan approval, conditional uses, or permits involving the UMCH Properties to be in effect until January 18, 2023, or until City Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 3. That the temporary moratoriums provided in Sections 1 and 2 of this Ordinance shall not apply to applications and approvals necessary for repairs, maintenance, or minor renovation of existing buildings on the UMCH Properties.

SECTION 4. That the City Manager is authorized and directed to initiate a planning study and review of the Current Comprehensive Plan, with particular attention as to the undeveloped parcels of the UMCH Properties, including potential impacts of different types and density of developments on the environment, stormwater management, sanitary sewer capacity, traffic patterns, and provision of other public services, and an assessment of housing needs and recommendations for implementation.

SECTION 5. That the Law Director is authorized and directed to research and draft any amendments to the City's Zoning Code related to the preservation and replacement of mature trees, or the imposition of fees in lieu of replacement consistent with preserving the natural environment and the community's appreciation of mature trees and the recent U.S. Sixth Circuit Court of Appeals' decision requiring an individualized determination of actual harm.

SECTION 6. That it is the intention of the City Council, that if any section, sentence, or provision of this Ordinance or the application thereof to any person or circumstance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, sentence, or provision and shall not be affected by such holding.

SECTION 7. That the City Council finds and determines that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this City Council and that all deliberations of a majority of the City Council that resulted in the adoption were in meetings open to the public in compliance with the law.

SECTION 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Municipality due to the need to have the temporary moratorium effective prior to any potential vesting of rights under the Current Comprehensive Plan and to be effective immediately upon its passage and publication. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the 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.

ORDINANCE NO. 04-2022

SECTION 9. That the waiver of notice of public hearing, the waiver of the waiting period, the declaration of immediate effectiveness, and the adoption of this Ordinance was passed by a six-sevenths vote of the members of Council in accordance with the Charter of the City of Worthington, Ohio.

**FAILED TO PASS**

---

President of Council

Attest

---

Clerk of Council