

**ORDINANCE NO. 2020 - 2**

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF ANY APPLICATION SEEKING DEVELOPMENT AND ON THE ACCEPTANCE OF BUILDING PERMIT APPLICATIONS FOR PROPERTY LOCATED WITHIN AND SURROUNDING THE PLANNED UNIT DEVELOPMENT DISTRICT LOCATED AT PEARL ROAD AND W 130<sup>TH</sup> STREET AND FROM WEST 130<sup>TH</sup> STREET TO ACKLEY ROAD IN THE CITY OF PARMA HEIGHTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Parma Heights, Ohio (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and home rule charter of the City; and

**WHEREAS**, the Charter authorizes the City Council to enact emergency ordinances for the preservation of public, health, peace, or safety; and

**WHEREAS**, the City currently regulates land uses within the city limits in accordance with Chapter 11 of the Parma Heights Municipal Code pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

**WHEREAS**, the character of development activity in the City can have a negative impact upon the health, safety and general well-being of the residents and visitors of the City; and

**WHEREAS**, recent applications seeking development authorization and permits in and around the Planned Unit Development District located at Pearl Road and W 130<sup>th</sup> (the “PUD”) do not appear to be consistent with the goals and vision expressed by the City’s recently adopted Master Plan; and

**WHEREAS**, recent applications seeking development authorization and permits for properties located on Pearl Road between West 130th Street and Ackley Road do not appear to be consistent with the goals and vision expressed by the City’s recently adopted Master Plan and the NOACA Transportation-For-Livable-Communities-Initiative [TLCI]; and

**WHEREAS**, the City of Parma Heights has entered into a cooperative agreement with the cities of Middleburg Heights and Strongsville for the resurfacing of the portion of Pearl Road between the Ohio Turnpike Bridge in Strongsville to south of Snow Road in Parma Heights which is scheduled to begin in 2020; and

**WHEREAS**, recent land use applications seeking development authorization and permits in and around the PUD raise the following issues that may have a negative effect on the community:

- Changing housing, retail, and light industrial market demands and characteristics that may have rendered the 2003 Development Plan obsolete which served as the basis for the current PUD regulations contained in the City's codified ordinances;
- A portion of the public infrastructure within the PUD has already been constructed by the City which involved a substantial investment by the City;
- The City's recently adopted Master Plan, which documents how the City's economy has "lagged behind" since the great recession, sets forth goals to "enhance economic resilience" and "expand the City's tax base", and notes that the "sale and potential zoning issues [of the PUD site] are significant concerns"; and
- The potential that a portion of the PUD site is being considered by the NEORSD as a new large-scale stormwater basin, which would reduce the potential for the PUD site to be developed in a way that expands the City's tax base.
- Changing housing and retail market demands and characteristics that are identified in the 2017 Master Plan require a study of land use and revision of the city zoning code for the properties located on the Pearl Road corridor;

**WHEREAS**, the City Council and Administration require six (6) months of time in which to review all existing land use codes and regulations as they affect land use development in the Planned Unit Development District and also review land use and development on Pearl Road between West 130<sup>th</sup> Street and Ackley Road to ensure that all land use and development proceeds in a manner that is consistent with the City of Parma Heights 2017 Master Plan and long term and short term sustainability goals of the City; and

**WHEREAS**, the City Council desires that the staff of the City conduct a thorough analysis and assessment of the Zoning Code and regulations affecting the development of the PUD and surrounding property in order to request changes to the zoning code within said six (6) month window; and

**WHEREAS**, a moratorium through an emergency resolution on all development applications will enable a reasoned discussion and consideration of desired amendments to the Land Use Code without creating a rush of development applications and related impacts upon the community; and

**WHEREAS**, the City has engaged a third-party consultant to complete the task of analyzing the current Land Use Code and regulations as contemplated herein; and

**WHEREAS**, the City Council has determined that the imposition of a temporary moratorium on the acceptance, processing and approval of applications for development authorization and permits by the City of Parma Heights and on the acceptance of certain building permit applications.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1: There is imposed a six (6) month moratorium on the acceptance and approval by the City and City Planning Commission of new applications for development authorization and permits affecting property within the Planned Unit Development District located at Pearl Road and W 130<sup>th</sup> St. in the City of Parma Heights, Ohio and any property located on Pearl Road between West 130<sup>th</sup> Street and Ackley Road in the City of Parma Heights, Ohio.

Section 2: There is imposed a temporary moratorium on the acceptance by the City of any building permit application for development within the Planned Unit Development District located at Pearl Road and W 130<sup>th</sup> St. in the City of Parma Heights, Ohio and any property located on Pearl Road between West 130<sup>th</sup> Street and Ackley Road in the City of Parma Heights, Ohio.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Ordinance is declared to be an emergency measure immediately necessary for the public peace, health, and safety of the Municipality and for the further reason that it is necessary for the City to ensure future land use and development does not negatively affect the community; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: 2-10-2020

  
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohdan  
CLERK OF COUNCIL

2-10-2020  
APPROVED

FILED WITH  
THE MAYOR: 2-10-2020

  
MAYOR